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CONSTITUTIONALISM IN COMMUNIST CHINA

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I

Communist China entered the "constitutional stage" of its experience on September 20, 1954, when the Constitution of the Chinese People's Republic (CPR), adopted by the first National People's Congress (NPC) on that date, was promulgated.[1] The ordinary Chinese citizen could detect no immediate effect of this event upon the conditions of his daily life, and he had no reason to believe that things affecting him would be done very much differently in the future than in the recent past. He could understand from the incessant propaganda of the preceding months that the "transition to Socialism" was moving toward its climax.[2] The new Constitution promised him no surcease from the incitements and pressures of the interminable "mass movements"—for "land reform," "suppression of counter-revolutionaries," "Resist America, Aid Korea," "3-Anti," "5-Anti," "democratic reform," "national elections," "On to Taiwan," and the others. Instead, he would be told that the past was merely the prologue: the pre-constitutional

[1] Chinese text in *Hsüeh-hsi* [Study] (Peking), No. 10 (1954), pp. 3–14 (Oct. 2, 1954). English translations are in: *People's China* (Peking), No. 19 (1954), supp. (Oct. 1, 1954); *Hsin-hua* News Agency [NCNA] (Peking), *Daily News Release* [*DNR*], Sept., 1954, undated supp.; American Consulate General, Hong Kong, *Current Background* [*CB*], No. 297 (Oct. 5, 1954).

[2] The "general line of the State during the period of transition to Socialism" was introduced in an editorial of *Jen-min jih-pao* [*People's Daily*, *JMJP*] (Peking), Oct. 1, 1953, and elaborated by Li Wei-han, Director of the CCP Central Committee's United Front Work Department, on October 27, 1953, *CB*, No. 267 (Nov. 15, 1953). As a "fanfare" movement, the subject can be traced through *JMJP* editorials in Nov.–Dec., 1953, which are collected in *Kuo-tu shih-ch'i tsung-lu hsin hsüeh-hsi tz'an-k'ao tzu-liao* [Collected Materials for the Study of the General Line of the Transition Period], 2 vols. (Peking, Jen-min ch'u-pan she, 1954). A translation of the *JMJP* New Year's Editorial, Jan. 1, 1954, "Everything for the Implementation of the General Line," is in *DNR*, Jan., 1954, pp. 6–9. *DNR* references are to monthly bound copies of the daily issues, which may be one or more days behind the date of actual release.

measures of September, 1949—the Common Program, the Organic Law of the Central People's Government (CPG), and the Organic Law of the Chinese People's Political Consultative Conference (CPPCC)[3]—had only enabled the "people's democratic dictatorship" to lay the foundations for the superstructure of Socialism.

The new Constitution was 20 months in the making (January 13, 1953–September 20, 1954). Concurrently with its call for elections for the first NPC, which would adopt the Constitution, the Central People's Government Council announced the appointment of a Constitution Drafting Committee on January 13, 1953.[4] The Chinese Communist party (CCP) remained in firm control of the drafting process: the 33-man Drafting Committee included nine members of the CCP Politburo,[5] eight other members of the Central Committee,[6] and two leading CCP bureaucrats;[7] and, at its first announced meeting on March 23, 1954—14 months later—the Drafting Committee unanimously adopted as its own "first draft" a draft declared to have been drawn up by the CCP Central Committee, as offered to it by Chairman Mao Tse-tung and "explained" by Central Committeeman Ch'en Po-ta.[8] Such leadership by the CCP corresponded to the activity of the CPSU in the drafting of the Soviet Constitution of 1936, and fully conformed to the CCP's own working doctrine.[9] In 1949, for example, the committee responsible for drafting the Common Program of the CPPCC had "entrusted" the work to the CCP Central Committee.[10] In effect, the Cen-

[3] Substantially complete documentation of the 1949 measures is in *Chung-kuo jen-min cheng-chi hsieh-shang hui-i ti i-chieh chuan-t'i hui-i, chiang-hua, pao-kao, fa-yen* [Speeches, Reports and Discussions at the First Session of the First CPPCC] (Shanghai, Hsin-hua shu-tien, 1949); and *Chung-hua hsin-min kung-ho-kuo k'ai-kuo wen-hsien* [Documents of the Chinese People's Republic] (Hong Kong, 1949). The Common Program offers a basis for comparing policy in 1949 with policy in 1954, and spells out specific policy implications of Mao Tse-tung's *Lun hsin-min chn-i chuan-cheng* [On People's Democratic Dictatorship] (June, 1949).

[4] NCNA, Peking, Jan. 16, 1953; *DNR*, Jan., 1953, pp. 89–90.

[5] Mao Tse-tung (Chairman), Chu Teh, Chou En-lai, Lin Po-ch'ü, Kao Kang, Ch'en Yün, P'eng Te-huai, Tung Pi-Wu, and Liu Shao-ch'i (in the order listed in the communique). Kao Kang had disappeared from public notice before the committee held its first meeting.

[6] Lin Feng, Ulanfu, Ch'en Po-ta, Hsi Chung-hsün, Teng Hsiao-p'ing, Teng Tzu-hui, Po I-p'o, and Jao Shu-shih.

[7] Li Wei-han and Hu Chiao-mu.

[8] *DNR*, March, 1954, p. 165. Chen's explanation has not been published.

[9] Statements by Tung Pi-wu, Li Wei-han, Kao Kang and others on the indirect operational techniques of the CCP in controlling the government are assembled in H. A. Steiner, *Chinese Communism in Action* (Los Angeles, 1953), Pt. I, pp. 46–57. Although the Central Committee held a Plenary Session February 6–10, 1954 (its first since 1950), the resulting communique gave no hint that the Central Committee had assumed the initial drafting responsibility. NCNA, Peking, Feb. 18, 1954, *DNR*, Feb., 1954, pp. 111–14; *People's China*, No. 6 (1954), pp. 3–7 (March 16, 1954).

tral Committee in 1953–1954 was only revising its own earlier material.

What transpired within the Central Committee during the drafting stage remains a party secret. The text of its March draft has not been published. We are told that the March draft served as a basis for discussions "organized by the National Committee of the CPPCC and leading organs of the administrative areas, provinces and cities, the local branches of democratic parties and people's organizations, and the leading organs of the armed forces,"[11] a process that was widely heralded in the contemporary press. The June 11, 1954, report of the Drafting Committee asserted that "over 8,000 people" took part in discussions at this stage, producing "more than 5,900 suggestions for revision . . . many of which were useful and contributed greatly to the drafting work" of the committee in its private meetings between March 23 and June 11. On the basis of this report, the Central People's Government Council adopted a revision of the March draft on June 14, 1954, as the first public "Draft Constitution of the CPR" (*Chung-hua jen-min kung-ho-kuo hsien-fa ts'ao-an*).[12] Since the March and June drafts cannot be compared textually, we cannot determine the effect of the intervening discussions.

Between June 14 and September 9, 1954, when the definitive draft was adopted, "more than 150,000,000 persons" were officially reported to have taken part in the second round of discussions—now at the grassroots level.[13] During that period, 1,180,420 "proposals" are said to have been transmitted to the Drafting Committee for consideration.[14] Reviewing the two rounds of discussion in the light of CCP operating techniques in "united front" circles and in basic-level mass organizations,[15] two tentative conclusions are suggested: (1) that the first round

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[10] Chou En-lai, "Draft Common Programme of the Chinese People's PCC," *China Digest* (Hong Kong), Vol. 7, no. 1, p. 10 (Oct. 5, 1949); also reported in the two Chinese documentary collections cited in note 3, *ante*, at pp. 50–54 and 253–60, respectively.

[11] Report of the Drafting Committee, June 11, 1954; NCNA, Peking, June 14, 1954, *DNR*, June, 1954, pp. 146–47.

[12] NCNA, Peking, June 14, 1954, *DNR*, June, 1954, p. 149. The full text of this draft is in *Hsüeh-hsi*, No. 7 (1954), pp. 3–13 (July 2, 1954). English translations are in *DNR*, June, 1954, supp. to issue of June 16; *People's China* No. 13 (1954), supp. (July 1, 1954); *CB*, No. 286 [287], June 17, 1954.

[13] Liu Shao-ch'i, *Kuan-yü Chung-hua jen-min kung-ho-kuo hsien-fa ts'ao-an ti pao-kao* [Report on the Draft Constitution of the CPR], Sept. 15, 1954, in *Hsüeh-hsi*, No. 10 (1954), pp., 16–29 (Oct. 2, 1954). English translations occur in DNR, Sept., 1954, pp. 171–87; *People's China*, No. 19 (1954), pp. 5–33 (Oct. 1, 1954); and in *CB*, No. 294 (Sept. 20, 1954). This is the basic official commentary on the new Constitution, and will hereafter be cited as Liu, *Report*.

[14] NCNA, Peking, Sept. 11, 1954, *DNR*, Sept., 1954, p. 112.

[15] Explained by A. Doak Barnett, "Mass Political Organizations in Communist China," *The Annals*, Vol. 277, pp. 76–88 (Sept., 1951); Chao Kuo-chün, "Mass Organizations in Mainland China," this REVIEW, Vol. 48, pp. 752–65 (Sept., 1954).

was primarily intended to indoctrinate in the authentic official line those who would be responsible for conducting the second round; and (2) that the second round fulfilled "mass-line" requirements for arousing wide popular interest in the "transition to Socialism," and for preparing the masses for what would come. It may plausibly be inferred that the 1,180,420 "proposals" expressed approval or endorsed the adoption of the draft constitution. Textual comparisons of the June and September drafts show that changes occurred in more than 30 articles, of which the great majority were minor changes of phraseology. Liu Shao-ch'i explained revisions in the text of 13 articles in his *Report* of September 15, 1954, to the NPC on behalf of the Drafting Committee (employing the opportunity to enlarge on several doctrinal questions).[16] The final record, however, does not disclose which revisions were adopted by the Drafting Committee *in camera* and which as a result of other suggestions.

The election of deputies to the NPC took place in July–August, 1954—indirectly, and principally by provincial and municipal "people's congresses" on the basis of lists distributed from Peking. The grassroots discussion of the Draft Constitution was thus merged with discussions of other questions of national interest, and in the process the deputies-elect received more than their share of indoctrination. After an opening address by Mao Tse-tung, the first order of business on the agenda of the NPC at its first meeting on September 15 was the adoption of the definitive Draft Constitution.[17] As a preliminary, however, Liu Shao-ch'i started the final round of discussions with an authoritative three-hour report. On the three succeeding days (September 16–18), 89 deputies took turns in acclaiming the Draft Constitution. No one was surprised when the 1197 deputies in attendance at the NPC meeting of September 20, 1954, cast their secret ballots unanimously in favor of the adoption of the new Constitution, which was immediately proclaimed.[18] Those who knew China marveled that not a single practical joker misplaced his rubber stamp.

[16] Liu, *Report*, Pt. III.

[17] NCNA, Peking, Sept. 9, 1954, *DNR*, Sept., 1954, p. 87. For the text of the definitive September draft, which was adopted without change (see note 1).

[18] The daily sessions of the NPC Sept. 15–28 were closely reported in *JMJP*, with English translations of reports and speeches in *DNR* issues of Sept.–Oct., 1954, and in successive issues of American Consulate General, Hong Kong, *Survey of the China Mainland Press*, daily, beginning with No. 889 (Sept. 16, 1954). A complete procès-verbal of the proceedings of the NPC is unlikely, if earlier practice is observed.

On September 20, the NPC adopted its own organic law (or *règlement*); and on September 21, it adopted four other organic laws dealing with the organization and operation, respectively, of the State Council, the People's Courts, the People's Procurator's Office, and the Local People's Congresses and Local People's Councils of all Levels. The various organic laws were drafted and submitted by the Constitution Drafting Committee, and were adopted unanimously and without debate.

II

In effect, the Constitution of the CPR is the contemporary form of the mandate by which the CCP has organized the public power of the Chinese state. Authoritative Chinese Communist doctrine rigorously distinguishes the scope and function of state administrative action from the scope and function of party action.[19] The CCP monopolizes the supreme leadership (i.e., "direction") of the nation's social life, including its political and governmental activity, as the interests of the class for which it is the elitist vanguard require.[20] From this point of view, the administrative apparatus of the state is but one of several useful "captives" of the CCP, one of several creatures of its convenience.[21] As Liu Shao-ch'i observed in the peroration of his *Report:* "The CCP is the core of the leadership of our country."[22] The Preamble to the Constitution contains the only references to CCP leadership found in the entire document: first, to the CCP as the leader of "the Chinese people" in the "people's revolution"; and, second, to the CCP as leader of "a broad people's democratic united front, composed of all democratic classes, democratic parties and groups, and popular [i.e., "people's"] organizations."[23] While CCP leadership is thus "recognized" in the Constitution, it continues to be exercised through extra-constitutional forms. So long as the leadership of the CCP is the categorical imperative of life on the Chinese mainland, the Constitution of the CPR cannot be the "supreme law of the land"—however persuasive it may be for workers in state organs (Article 18) and for ordinary citizens (Article 100). Although Liu exhorted the party members to "make themselves an example by observing the Constitution and all other laws,"[24] the CCP (which has its own constitutional and administrative apparatus) does not consider the Constitution as restricting its own sphere of action. So far as the Chinese masses are concerned, very few of the exertions of power, regulation, and suasion felt by them can be traced to provisions of the state's constitution. As a first principle, then, the Constitution is

[19] Tung Pi-wu, Address to the First Conference of North China *hsien* Magistrates, Peking, September 23, 1951, in *JMJP*, Jan. 30, 1952; translated in *CB*, No. 162 (Feb. 22, 1952).

[20] The elitist character of the CCP received special emphasis during the "remoulding and reform" movement of 1952–1953. The "eight standards" of a CCP member, originally formulated by Liu Shao-ch'i in an unpublished address on November 4, 1951, were spelled out by An Tzu-wen, Deputy Director of the Organization Department of the CCP Central Committee, in *JMJP*, July 1, 1953. Related materials will be found in Steiner, *Chinese Communism in Action*, pp. 66–87.

[21] H. A. Steiner, "The Role of the CCP," *The Annals*, Vol. 277, pp. 57–59 (Sept., 1951).

[22] Liu, *Report*, Pt. IV.

[23] Since the "state form" is multi-party and multi-social, the CCP does not have the monopolist character attributed to the CPSU by Article 126 of the Soviet Constitution of 1936.

[24] *Report*, Pt. IV.

"limited" in the sense that large areas of public and social life stand beyond its ken.

Secondly, the Constitution carries no connotation of enduring permanance, even though its proclamation was greeted with the shout, "*Wan Sui!*"—"Long Live the Constitution!" The Constitution stems from the past: it is "based on the Common Program of the CPPCC of 1949, and is an advance on it" (Preamble). For the present, "it reflects the basic needs of the State in the period of transition" to Socialism (Preamble). If, as Liu Shao-ch'i asserted, "China's advance along the road to Socialism is fixed and unalterable," and the purpose of the Constitution is "to set down in legal form the central tasks of our country in the transition period,"[25] the attainment of the Socialist objective would entail, in due course, the supersession of the present Constitution. In the orthodox doctrine, "the law of the people's state is a weapon,"[26] and not an end in itself. A constitution infected with such a doctrine could hardly survive the particular pre-Socialist phase for which it is designed.

The Constitution also reflects other Marxist-Leninist views of the state. Mao Tse-tung declared in 1949 that the CCP was working to create conditions that would accelerate the "abolition of classes, state authority and party."[27] The Constitution asserts that the state organs of the CPR will contribute to "the gradual abolition of systems of exploitation and the building of a Socialist society" (Article 4). Meanwhile, the CPR "safeguards the people's democratic system, suppresses all treasonable and counter-revolutionary activities and punishes all traitors and counter-revolutionaries"; it "deprives feudal landlords and bureaucratic capitalists of political rights . . . according to law"; and it writes the principle of forced labor into the Constitution (Article 19). The power of the state is still "an instrument of the ruling classes for suppressing the ruled class" in 1954 as it was in 1949—when Tung Pi-wu, now President of the Supreme People's Court, interpreted the Organic Law of the Central People's Government.[28] The Constitution does not elaborate upon the processes of the "withering state"; and the party's "theoreticians" continue their rationalizations only at the level of "current tasks." Within the context of Mao's declaration, "state authority and party" can hardly be abolished before "classes" are abolished. The Constitution is clearly an instrument of class struggle

[25] *Report*, Pt. I.

[26] As stated by *JMJP*, March 25, 1952. Also see H. A. Steiner, "Total Law in Red China," *New Leader*, Vol. 26, no. 7, pp. 6–8 (Feb. 12, 1951).

[27] *On People's Democratic Dictatorship* (cited note 3)

[28] Documentary collections cited in note 3, *ante*, pp. 46–49 and 241–45, respectively; also *China Digest*, Vol. 7, no. 1, p. 20 (Oct. 5, 1949).

and is infected with the discriminatory doctrines that are implicit in that concept.

Clues for understanding current Chinese Communist constitutional theories may certainly be found in Mao Tse-tung's writings of the mid-Yenan period. Just as Maoism entails a special application of Marxism-Leninism which differs from Soviet applications (without being incompatible with them), the Chinese Communist concept of "state" varies from the Soviet concept. Article 1 of the Chinese Constitution of 1954 defines the CPR as "a people's democratic state led by the working class and based on the alliance of workers and peasants." Article 1 of the Soviet Constitution of 1936 defines the Soviet Union as "a Socialist state of workers and peasants." At the minimal level of objectivity, the compared texts simply suggest one way in which the Chinese People's Republic differs from the Soviet Union. Beyond that level, there is the question of determining whether (and how) the difference may be significant; and, if so, whether any identifiable special Chinese characteristic might survive the transition to Socialism to distinguish Chinese from Soviet concepts of the *Socialist* state. Obviously, the answers are not at hand, but the search for them will enlighten our present understanding.

Mao's principal work of the Mid-Yenan period—*On New Democracy* (January 19, 1940)[29]—developed the concept of "new democracy" as a distinct form of social organization. After ruling out the possibility that China could proceed toward Socialism through the form of "bourgeois dictatorship" (i.e., Western capitalist democracy), he insisted that the transitional objective on the road to Socialism must be "a *new type* of revolution, wholly or partly led by the proletariat, the first stage of which aims at the setting up of a new democratic society, *a new state* of the combined dictatorship of all revolutionary classes"[30] (italics supplied). That the transitional form of "new democracy" is unique and entirely distinguishable from the final Socialist form is constantly reiterated throughout *On New Democracy*, is regularly expressed in Mao's subsequent writings, and survives as the basis for Article 1 of the Constitution of 1954. Mao defined the "political basis of new democracy" in terms of the relationship of "state form" (*kuo-t'i*) to "government form" (*cheng-t'i*)—distinguishing both from "state" (*kuo-chia*).[31] He saw the problem of "state form" as one of relations

[29] *Hsin min-chu chu-i lun* [On New Democracy], in *Mao Tse-tung hsüan-chi* [Selected Works of Mao Tse-tung], 2d. ed. of the official edition (Peking, 1952–1953), Vol. 2, pp. 655–704, esp. pp. 668–70 [Mao, *Selected Works*]. This text has been compared with a pre-Peking version. An English translation of substantial accuracy, "China's New Democracy," is in *The Strategy and Tactics of World Communism*, Supp. III (C), House Doc. No. 154, Pt. 3, 81st Cong., 1st sess. (Washington, 1949), pp. 67–91.

[30] In "China's New Democracy," p. 71. [31] *Ibid.*, p. 75.

between social classes, and to this extent spoke in the Marxist-Leninist tradition; but the term he employs—*kuo-t'i*—is drawn from a Chinese political treatise of the Third Century B. C., and strongly suggests that "state form" is to be distinguished from "state." But "state form," as social basis, is also carefully distinguished from "government form"—"the form of state organization with which a certain social class builds strength to defend itself against its enemies." Thus the "political basis of new democracy" is expressed in a special formula: "State form [*kuo-t'i*]—dictatorship of all revolutionary classes; government form [*cheng-t'i*]—the system of democratic centralism."[32]

The "state form" of the CPR in 1949 was the "people's democratic dictatorship" of four classes of revolutionary "people," each identified as a satellite star on the national flag—the proletariat, the peasantry, the petty bourgeoisie, and the national capitalists.[33] By 1954, as we shall see, the class structure has begun to change, and further changes are prescribed for the transition to Socialism; but while changes may occur in specific identities of participating classes and their interrelationships, the basic problem of "state form" persists as one of social relationships.[34] The "government form" of 1949 was "democratic centralism" maintained chiefly through administrative channels, while the specially constructed CPPCC only nominally "exercised the functions of the National People's Congress." By 1954, some of the forms of democratic centralism have been modified by the establishment of a hierarchy of "people's congresses" along the lines prescribed by Mao Tse-tung in *On New Democracy* (1940). Faithful to the traditional Maoist line, Liu Shao-ch'i carefully distinguished "state form" from "government form" in his *Report* of September 15, 1954, to the NPC: "The Character of Our State" is the subject of Part II(1) of the *Report*; "Our Political System of People's Democracy" is the subject of Part II(3). The evidence strongly suggests that a valid interpretation of the Constitution of 1954 can be constructed only against the background of fifteen years of Chinese experience, and that the features of the new Constitution that bear upon the changing relationships of social classes far transcend in significance those features which modify institutional practices at the government level.

III

A "Socialist state of workers and peasants" (Soviet Constitution, 1936) may be considered a model of doctrinal and structural simplicity

[32] *Idem*, in variant form. [33] Mao, *On People's Democratic Dictatorship*.

[34] The question will seem less complex when it is realized that "dictatorship" (*chuan-cheng*) as used in "people's democratic dictatorship" does not connote a particular form of government (as opposed, for example, to a democratic form of government) but is closer in meaning to "state" or "state form."

in comparison with "a people's democratic state led by the working class and based on the alliance of workers and peasants" (Chinese Constitution, 1954). "People's democratic state" assimilates and reflects in contemporary form the multi-class united front doctrines expounded by Mao Tse-tung since 1936–1937, and thus carries doctrinal connotations of a special character. While Mao's united front doctrines varied in expression and formulation from time to time, they remained constant in the sense of responding to the prevailing party-line analysis of "the present situation and our tasks."[35] Amidst the different changes of fortune and prospect, at least two substantive elements also appear to have remained constant: (1) within every "united" front organization after 1937, the CCP retained its own party program and strove to exert leadership so long as the doctrines and tactics accepted by the combined forces paralleled or otherwise specifically served its own long-range revolutionary objectives;[36] and (2) party decisions with respect to the admissibility of non-Communist parties and groups and non-proletarian social classses into the coalition were controlled by rigorous analysis of their capacity to function as a "revolutionary force" in the given situation.[37]

The history of the various united fronts has been a history of experiences with successive doctrines thought capable of advancing the revolutionary objective, and with different combinations of social, political, or class groups.[38] The class structure of the "Anti-Japanese National United Front" (1937 and after) was extremely broad, including even the "bourgeoisie" of the Kuomintang so long as the CCP could accept

[35] A literal translation of the title of Mao's report, December 25, 1947, to the First Plenary Session of the Seventh Central Committee, but not unique in that usage.

[36] In May, 1937, Mao argued for the adoption of the *San-min chu-i* (Three People's Principles of Dr. Sun Yat-sen) as the interim temporary program of the CCP. *Chung-kuo kung-ch'an tang tsai kang-Jih shih-ch'i ti jen-wu* [Tasks of the CCP during the Anti-Japanese War] (May 3, 1937), in Mao, *Selected Works*, Vol. 1, pp. 243–60. On this basis, he attacked the Kuomintang in January, 1940 (*On New Democracy*) on the ground that alleged failures to implement the Three People's Principles, the bible of the Kuomintang itself, would disqualify the Kuomintang from taking part in a truly "new democratic" revolution. *On New Democracy* (cited in note 29), pp. 80–84.

[37] *Chung-kuo she-hui ko chieh-chi ti feng-hsi* [Analysis of Classes in Chinese Society] (March, 1926), is the opening selection in Mao, *Selected Works*, Vol. 1, pp. 3–13. From this sketchy beginning, Mao developed a work of Marxist-Leninist significance: *Chung-kuo ko-ming ho Chung-kuo kung-ch'an tang* [The Chinese Revolution and the Chinese Communist Party] (Nov., 1939), in *Selected Works*, Vol. 2, pp. 615–60, which is principally important for its evaluations of the revolutionary potential of the different classes of Chinese society. Later class analyses, as in 1949, developed within that frame of reference, although the revolutionary potential of a particular class was differently identified according to the situation of the moment.

[38] Examples will be found in Allan B. Cole, "The United Front in the New China," *The Annals*, Vol. 277, pp. 35–45 (Sept. 1951).

Dr. Sun Yat-sen's Three People's Principles as its own "minimum program"; and whether a particular element qualified for admission turned upon its capacity to serve the most pressing revolutionary need of the moment, which was the development and exploitation of patriotic fervor.[39] The united front of 1948 was more narrowly limited to union with anti-Kuomintang splinter parties; the unifying doctrine was the joining of "democrats" to defeat the "reactionary" Kuomintang. The united front of 1949 ("people's democratic dictatorship") joined four "revolutionary" classes of society in the common effort to destroy "counter-revolutionaries" and to "complete the revolution"—although this formulation was broad enough to continue in good standing the parties of the 1948 united front. In the "period of transition to Socialism" after 1954, the relative capabilities of the "four classes" of 1949 to contribute to revolutionary tasks in the new situation are considered to have changed, and the Constitution itself becomes a weapon of the party in making the necessary adjustments. "People's democratic state" thus evokes an entire complex of united front tactics and doctrines not specified in the Constitution of 1954, although the Preamble declares that the "people's democratic united front will continue to play its [changing?] part. . . . " Nothing corresponding to this is encountered in Soviet experience after 1918 or in the "standard" Marxist-Leninist concept of the Socialist state.

On April 24, 1945, Mao Tse-tung explained to the Seventh National Congress of the CCP that "a new democratic state of the union of democratic classes" differed "in principle from a Socialist state with a dictatorship of the proletariat."[40] Answering his own rhetorical question as to whether the CCP would ultimately "establish a dictatorship of the proletariat and a one-party system, as they have done in Russia," Mao stated: "Chinese history will determine the Chinese system. A peculiar form—a new democratic state and regime of a union of democratic classes—will be produced which will be entirely necessary and rational to us and different from the Russian system." The Chinese Communist system since 1949 evidently corresponds to the "peculiar form" foreseen by Mao in 1945—that is, "new democracy," updated. The Constitution for "the transition to Socialism" does not specify the form of class organization and relations ("state form") in an eventual Socialist stage, but the abandonment of broad gauge united front

[39] The "line" was quite different during the "first united front" (1923–1927) in which CCP members joined the Kuomintang and were under direction to accept Kuomintang leadership. The first united front was explicitly directed by the Kremlin; while later united fronts were consistent with the 1935 directive of the Comintern, CCP practice in China under Mao Tse-tung developed its own unique applications.

[40] *Lun lien-ho cheng-fu* [On Coalition Government] (April 24, 1945), in *Selected Works*, Vol. 3, pp. 1029–1100, at p. 1061.

concepts would seem to be implied just as "Socialism" implies the liquidation or transformation of non-working class elements. In strict context, Mao's statements in 1945, just quoted, refer to Chinese experience in the "new democratic" stage, then still in the future; and not to Chinese experience in the yet more distant Socialist stage. Even so, they invite speculation over the possibility that historical circumstances might cause social and class relations in a future Chinese Socialist system to differ in particulars (if not in real substance) from those in a Soviet Socialist system.[41] If that be speculation for the future, no doubt can exist for the present that Chinese and Soviet attitudes toward existing class relations differ notably.

The united front concepts which developed in China as a core-element in policy for more than a decade before the Communists took power were totally unknown in the comparable Russian decade prior to the Bolshevik Revolution of 1917. Before 1917, Lenin's Bolsheviks characteristically inveighed against "economism," "reformism," "revisionism," and similar heresies; in their corresponding decade, the Chinese Communists advocated an "Anti-Japanese National United Front," a "united front of democratic parties and groups," "people's new democracy," etc. The Chinese Communists and Chinese people have become accustomed to thinking about Socialism in somewhat different terms than the Soviet Communists; the socio-political situation within China may render a special Chinese formulation of "state form" in the Socialist stage necessary or useful, if only for the possible tactical advantages in meeting the special Chinese situation; and if Communist China is to exert greater revolutionary influence in neighboring Asian countries, avoidance of the harsher Soviet class line may appear advantageous.[42]

[41] The text just cited is "selected" in more ways than one! As compared with other editions of the same work—the 1949 edition of *Hsin min-chu ch'u-pan she* (Hong Kong), for example—the paragraph following that from which the quoted passages are taken is entirely omitted. The omitted paragraph stresses the necessity for *some* form of "coalition government" in China into the indefinite future, even after a system of "democratic elections" might be instituted. It may be that the omitted paragraph of the unabridged version was a direct response to the political situation of the moment, at a time when the Kuomintang had the question of elections for the National Assembly under consideration and the CCP was making propaganda to influence the outcome, and was deleted from the official collection of Mao's works to avoid ambiguity. On the other hand, however, the reference that "Chinese history will determine the Chinese system" has such relevance to the basic attitudes of Mao Tse-tung that it may be difficult to understand how he could act in disregard of that canon at a later time.

[42] Certainly I do not suggest that these differences entail possible Chinese Communist retreats from "Marxism-Leninism," or significant ideological conflicts between Chinese and Soviet Communists. There may be important differences, however, and they should be called to the attention of those who have studied Sino-Soviet relations from some other than the Chinese perspective, and who might thus jump to the conclusion that "Socialist society" in China would be conceived as an integral copy of the Soviet model. The M. SU-1 (1936) could hardly be identical with the M. C-1 of some time after 1954.

If for no other reason, Chinese who are able to reconcile Chinese Communist policy with a concept of Chinese national interest may wish to keep the vital Chinese characteristic alive.[43]

In the sense of this analysis, the fundamental "state form" of "people's democracy" is the "broad people's democratic united front, composed of all democratic classes, democratic parties and groups, and popular organizations, and led by the CCP" mentioned in the Preamble to the 1954 Constitution.[44] Unless such a fundamental state form existed, the remaining language of Article 1 of the Constitution—a people's democratic state *"led by the working class and based on the alliance of workers and peasants"*—would be meaningless. Thus Liu Shao-ch'i makes explicit what is implicit: "This united front means an alliance based on, but broader than, the worker-peasant alliance, an alliance between the working people and all non-working people with whom cooperation is possible."[45] Subsequently, he declared: "In the society of our country there are people of other classes who love their country, and the State should make special efforts to rally them." If Liu is speaking for the benefit of other Asians, he announces a principle upon which they can reconcile their participation in the Communist-led united front of their own country with their love of Viet Nam, Laos or Cambodia, or another country. If he is speaking for Chinese, he suggests—against 4,000 years of Chinese history—something stronger than "love of country" as felt in Western societies, possibly incorporating the racist implications of Chiang Kai-shek's *China's Destiny* (1943)[46] without contradicting the "nationality [minority] policy" of his regime.[47]

Thus the Constitution for the "transition to Socialism" achieves a kind of minor miracle by avoiding overt expressions of class-war doctrines, continuing to utilize a multi-class united front system, and substituting nationalistic and patriotic appeals consistent with the temper of the times. Two purposes, at least, are served: a device is developed to evoke mass response for the defense of the "*Chinese* People's Re-

[43] I have tried to suggest some aspects of the problem of "national interest" in a Communist China in "The United States and China: The Prospect before Us," *Yale Review*, Vol. 44, pp. 161–79, esp. pp. 171–77 (Winter, 1955).

[44] The corresponding text in the Preamble of the Common Program of 1949 read: "The Chinese people's democratic dictatorship is the State power of the people's democratic united front of the Chinese working class, peasantry, petty bourgeoisie, national capitalists, and patriotic elements based on the alliance of workers and peasants and led by the working class."

[45] *Report*, Pt. II (1).

[46] Authorized translation by Wang Chung-hui (New York, 1947).

[47] Constitution of 1954, Articles 3 and 67–72, *inter alia*. Liu, *Report*, Pt. II (4). The Chinese literature is substantial and voluble, but a helpful reference is *Min-tsu cheng-t'se wen-hsien hui-pien* [Collection of Materials on Nationality Policy] (Peking, Jen-min ch'u-pan she, 1953).

public" against domestic "traitors" and foreign "enemies"; and the subtle flavor of indirection is preserved for appropriate use in adjoining Asian countries which are "Next!" on Peking's action-list. A Chinese may still "live" with the new Constitution, and continue to feel Chinese.

IV

The "transition to Socialism" began with the establishment of the CPR in 1949, as the Common Program of 1949 (Articles 26–40) clearly suggested, and as *People's Daily* (Peking) took pains to point out in the editorial of November 9, 1953, at the beginning of the "fanfare" campaign over the "general line."[48] By that time, the "landlords," "feudalists," "imperialist lackeys and agents," "bureaucratic capitalists," "Chiang bandits," and other "counter-revolutionaries" had been substantially liquidated in the process of revolutionary "struggle." Names were named, objectionable classes were singled out for obliteration or transformation, and the "rivers ran red." In the "democratic reform," "3-Anti," and "5-Anti" movements of 1951–1952, the attack was turned upon the native Chinese industrialists and merchants—somewhat more obliquely because such members of one of the "4-classes" could not be attacked frontally without openly wrecking the "united front" and causing great economic loss to the state. But charges of "corruption," "bribery," "tax evasion," etc., against *individual* members of the "national bourgeoisie" proved, in the end, as effective as frontal assault; and, when the First Five-Year Plan began in 1953, a large part of the sector of private capitalist enterprise had been brought under the control of the state-owned sector, in one way or another. Thus, state-owned (Socialist) and private-owned economy in principle stand side-by-side, even though the fate of the latter has already been decided. Such apparent contradiction, as Liu Shao-ch'i explained, "simply reflects the contradictions existing in real life," but various concrete measures "concerning the transition to a Socialist society . . . are aimed at correctly solving this contradiction."[49] The principal operating methods of the transition are to be economic, in terms of the economic pressures that the Socialist sector of the economy will be able to exert to transform the non-Socialist sectors; existing private forms of ownership, including private ownership of peasant lands and handicraft works, are to be transformed into Socialist forms; and, without suggesting that a single class (with the possible exception of the rich peasants) is to be liquidated as such, the transformation of existing private forms of ownership would also "transform" the class status of individuals.

[48] See note 2 above. [49] *Report*, Pt. II(2).

Article 4 of the Constitution provides the key: "The CPR, by relying on the organs of state and the social forces, and by means of Socialist industrialization and Socialist transformation, ensures the gradual abolition of systems of exploitation and the building of a Socialist society."

An interpretation of the socializing process pursuant to Article 4 is suggested in the following schematic form:

A. *Objective:* "The gradual abolition of systems of exploitation and the building of a Socialist society"—i.e.,
   1. The suppression of private economy ("gradually," "step by step," "according to plan") leads to
   2. Elimination of "exploiting classes," and produces
   3. A society in which all productive activity is conducted within the sphere of "Socialist ownership of the means of production."

B. *Operating Means toward the Objective:* "Socialist industrialization and Socialist transformation"—i.e.,
   1. The utilization of the sector of production now socialized, or to be socialized during the transition,
      a. To control, reform, and absorb non-socialized industry, and
      b. To exert decisive influence upon the non-industrial sectors of the economy (by control of raw materials allocations, production and distribution of agricultural implements, chemical fertilizers, etc., commodity supply and distribution agreements, etc.);
   2. The Socialist "transformation" of the existing non-socialized ownership of means of production into "Socialist ownership" by appropriate policies toward peasants in general and "rich peasants" in particular, private handicraftsmen, and private capitalists in industry and commerce (as developed in Articles 6–10 of the Constitution).

C. *Control and Direction:* "The organs of state and the social forces"—i.e.,
   1. The CCP as "leader" stands behind organs and forces to coordinate all operations at the extra-constitutional level;
   2. The "organs of state":
      a. Economic organs:
         (1) State Planning Commission and other planning agencies;
         (2) Ministries engaged in production-operations in the light and heavy industries (such as Machine-building, Food, Fuel, Textiles, etc.);
         (3) Ministries engaged in investment, management, and distribution activities (such as Finance, Commerce, Geology, Agriculture, Water Conservancy, Forestry, etc.);
         (4) Ministries performing mixed or service functions (such as Railways, Communications, Labor, Public Health, Education, Higher Education, etc.)

      [*Note:* The classification of ministries and other economic agencies

will vary according to the specific character of the control or direction sought.]

b. Political organs:
   (1) General policy direction by Chairman, Vice-chairman, Chairman of Standing Committee of the NPC, and Premier of the State Council, and appropriate agencies;
   (2) Military apparatus (National Defense Ministry, armed forces, urban and rural militia, etc.);
   (3) Non-military apparatus, including para-military (Ministries of Public Security, Supervision, Justice and Interior; Procurator-General; people's courts, etc.);

c. Other.

3. The "social forces":
   a. Organized masses (students, youth, women, scientific and literary workers, etc.);
   b. Organized producers (trade unions, cooperatives, industrial and commercial federations, peasant associations, etc.);
   c. Satellite political parties.

The Socialist Economy. According to the Constitution (Articles 5–7), "Socialist economy" is based on "state ownership" and "cooperative ownership," and occurs in the forms of (1) state-owned economy ("owned by the whole people") and (2) cooperative economy ("collectively owned by the working masses"). As a variation on the latter, "cooperative economy" may occur as a semi-Socialist economy "in part collectively owned by the working masses." The state-owned economy is described as "the leading force in the national economy and the material basis on which the State carries out Socialist transformation"; and priority of its development is "ensured" by the state. The state will encourage the growth and development of cooperative economy, but the Constitution is silent on the economic character of the "cooperative economy . . . collectively owned by the working masses." Stalin is understood by Chinese Communists to have pointed out that "collective farm property" must be elevated "by means of gradual transition . . . to the level of public property" during the transformation of Socialist economy into Communist economy.[50] For China, this transformation must be a project for the long future; and other considerations may have rendered it desirable to avoid the issue at present. The semi-Socialist economy of "the cooperative that is partially under the collective ownership of the working masses" (such as agricultural pro-

[50] Commentary on Stalin's *Economic Problems of Socialism in the USSR* (Oct., 1952), in the important leading *JMJP* editorial of Oct. 30, 1952; NCNA, Peking, Oct. 30, 1952; *DNR*, Oct., 1952, p. 286.

ducers' cooperatives and supply and marketing cooperatives) receives greater attention; it is "the chief transitional form for the Socialist transformation of agriculture and handicrafts."[51] Therefore, "the State protects the property of the cooperatives, encourages, guides and helps the development of cooperative economy" (Article 7). Thus the state-owned and cooperative economies are the favored and expanding Socialist forms of economy, and the "transition to Socialism" entails their extension into areas in which non-Socialist economy now operates.

Non-Socialist Economy. The Constitution of 1954 (Articles 5, 8–10) identifies non-Socialist ownership as: (1) "ownership by individual working people" (peasants and handicraftsmen); and (2) "capitalist ownership." These non-Socialist forms of ownership enjoy the precarious protection of the state "according to law," but the expressed policy of the state is to transform them into Socialist forms. "Individual peasants" and "handicraftsmen and other non-agricultural working people" are promised parallel treatment: they are to be "guided and helped" to take part "voluntarily" in appropriate cooperative organizations.

The Chinese Communist leadership has fully recognized the critical role of the vast Chinese peasantry in the process of "Socialist transformation," and for the present great emphasis is placed on "voluntary" cooperation. But, on fundamentals, Teng Tzu-hui, Director of the Rural Work Department of the CCP, declared in 1953: "We cannot permit our rural economy, following the conclusion of the agrarian reform, to remain forever in the present stage of the individual economy of small production and small private ownership."[52] In that context, Teng examined the economic, political, and tactical problems involved in enforcing the CCP Central Committee's Decisions on Mutual Aid and Cooperation in Agricultural Production of February 15, 1953, which incorporated the party's commitment on the subject.[53] In his *Report*, Liu Shao-ch'i looked upon the future of the peasantry from the viewpoint of eventual proletarian leadership:

> Continuous consolidation and strengthening of the worker-peasant alliance is the basic guarantee of successful leadership by the working class. . . . In the

[51] Liu, *Report*, Pt. II (2), paraphrasing Article 7 of the Constitution.

[52] *CB*, No. 255 (Aug. 10, 1953) gives the entire document in full translation. The version in *People's China*, No. 17 (1953), pp. 7–11 (Sept. 1, 1953) is abridged and bowdlerized to a remarkable degree.

[53] *People's China*, No. 13 (1953), supp. (July 1, 1953) has a presumably complete translation of the Decisions. Subsequently, the Central Committee adopted on Dec. 16, 1953, a "Decision on the Development of Agriculture Producer Cooperatives" calculated to secure the foundations for later collectivization. NCNA, Peking, Jan. 8, 1954. For translation, see *CB*, No. 278 (Feb. 15, 1954).

course of gradual transition to Socialism, the peasants are bound to change, and have, in fact, begun to do so. The change takes the form of gradual transformation of individual peasants leading a precarious life, into Socialist, cooperative farmers.[54]

Rich-peasant Economy. The "rich peasant" is the exception to the hope that the Socialist transformation of the countryside can be effected by wholly peaceful measures, and is evidently being prepared as the scapegoat for the policy of rural collectivization. The Constitution (Article 8) declares that state policy "is to restrict and gradually eliminate" the rich peasant economy, thus reversing the policy of "protection" incorporated in the Agrarian Reform Law of June 30, 1950.[55] By eliminating the rich peasantry, the regime evidently intends to remove the principal obstacle to the "voluntary" cooperativization of the other peasants. Liu Shao-ch'i dangled a small carrot before the rich peasant: if he has "already given up exploitation" (usury, the employment of labor, etc.) he may, if the other peasants agree, be permitted to join the cooperative under "certain conditions and continue to reform" himself. In this way, he may escape the impact of the future "struggle" against him, and escape the punishment promised rich peasants found "guilty of disruption." In other words, if the rich peasant does not quickly assimilate himself to the status of the ordinary middle peasant he will face the personal liquidation and social ostracism that has already befallen the landlord.

Capitalist Economy. Private capitalist ownership in industry and commerce is also to be "protected . . . according to law," but the declared policy of the State is to "use, restrict, and transform" private capitalist economy (Article 10). The doctrine on this question is complex, just as the subject is complex. It begins from the premise stated by Liu Shao-ch'i that during the transition period "the national bourgeoisie has a definite status in political life"[56] (which cannot be said for the unreformed rich peasant). Therefore, the state (1) will *use* the "positive qualities of capitalist industry and commerce" which are

[54] Pt. II (1). In his separate report to the NPC on September 23, 1954, Premier Chou En-lai expressed "hope that by the end of the First 5-Year Plan [i.e., ca. 1957], over one-half of all peasant households throughout the country will have joined the agricultural producer cooperatives, and over half the land will be pooled in the cooperatives." *DNR*, supp. to the issue of Sept. 27, 1954; *People's China*, No. 20 (1954), pp. 3–31, at p. 10 (Oct. 16, 1954).

[55] With other relevant documents, including Liu Shao-ch'i's report on the same subject, in *T'u-ti kai-ko shou-ts'e* [Agrarian Reform Handbook] (Peking, 1950); *The Agrarian Reform Law of the People's Republic of China* (Peking, Foreign Languages Press, 1950) offers the essential materials in translation.

[56] *Report*, Pt. II (1).

adjudged "beneficial"; (2) will *restrict* "their negative qualities"; and (3) will "encourage and guide their *transformation* into various forms of state-capitalist economy, gradually replacing capitalist ownership with ownership by the whole people" (Article 10). "State capitalist" economy[57] is the principal form of transition in this respect, but the transformation need not be hastened so long as a controlled capitalist sector of the economy is able to "make a definite contribution to the State in such fields as expanding production, accepting Socialist transformation, improving management of enterprises and productive technique, and educating and training skilled workers and technicians."[58] The capitalist who does not resist the course of events is promised "proper arrangements" for his life and work in the future, and may retain his political rights, or so Liu Shao-ch'i said in speaking of the "great difference between this and our policy toward the class of feudal landlords." But in thus supporting the policy of "peaceful struggle" in this sector, Liu shook his gloved fist:

> The idea that there is no longer class struggle in our country is completely wrong. Punishment will have to be meted out to those capitalists who engage in unlawful pursuits or disruptive activity. It is inconceivable that there should be no complicated struggle as we pass from the process of restricting capitalist exploitation to that of eliminating it. But the aim can be achieved by peaceful struggle, through the control of the administrative bodies of state, the leadership of the state-owned economy, and the supervision of the mass of workers.[59]

The Intellectuals. Since intellectuals are held to emerge from "different social classes," they "cannot by themselves form an independent social class."[60] According to the official doctrine, when intellectuals align themselves with the working people "they become working class intellectuals"; when aligned with the bourgeoisie, "bourgeois intellectuals." The state "must take care to rally all intellectuals, except the handful of reactionary intellectuals, . . . [and] help them to remould their ideology and devote their ability to the cause of building Social-

[57] State-capitalism is private capitalism brought under the control of the state-owned sector by joint public-private operation or by more recent arrangements in which private industry is made to depend for existence and operation upon favorable contracts concluded with state agencies.

[58] Liu, *Report*, Pt. II (1). According to the State Statistical Bureau's Communique on Fulfilment of the 1953 State Plan, released by NCNA, Peking, Sept. 13, 1954, *DNR*, Sept., 1954, pp. 140–41, private industry in 1953 accounted for 38 per cent of the total national *industrial* output in terms of value, as compared with 53 per cent for state-owned industry and nine per cent for joint public-private enterprises. The trend for private industry is "down," but for the present the state relies heavily upon the not inconsiderable proportion of the National industrial output contributed by private capital.

[59] *Report*, Pt. II (2). [60] Liu, *Report*, Pt. II (1).

ism." Liu treats this question in his *Report*, in effect explaining why the Constitution bypasses the issue; intellectuals, as such, have no ownership of means of production and therefore have nothing to be transformed.

V

The Constitution of 1954 consists of a Preamble and 106 articles distributed over four chapters. The programmatic aspects of the Constitution are developed principally in the Preamble, in Chapter I (Articles 1–20), "General Principles," and in Chapter III (Articles 85–103), "Fundamental Rights and Duties of Citizens." Chapter II (Articles 21–84), "State Structure," accounts for about two-thirds of the lineage of the Constitution and is the depositary for institutional arrangements bearing upon "government form." The Constitution introduces several innovations which distinguish the new governmental system from that set up under the Common Program and organic laws of 1949; and in several respects, forms of government in Communist China vary from the Soviet pattern. These changes and differences occur at the relatively superficial level of government structure, and entail no real issues of fundamental constitutional principle, but several of them have technical interest which will be briefly noted here:

1. The constitutional status of the Chairman of the Chinese People's *Republic* (Articles 39–46) is evidently stronger and more independent than that of Chairman of the Central People's *Government* under the Organic Law of 1949 and distinguishes Chinese government from Soviet government under the Constitution of 1936. The Chairman (Mao Tse-tung) is elected for a fixed term (four years) by the National People's Congress (NPC), which may also remove him. He is assigned specific competencies, especially in foreign and defense affairs, which may be exercised without reference to the NPC; and he may assume an independent initiative in the appointment and removal of certain high-level public personnel. As "chairman," he presides over the new National Defense Council and the new Supreme State Conference. Liu Shao-ch'i's *Report* develops a formula to reconcile the status of the Chairman with the "supreme state power" of the NPC, and to that extent nominally salvages the principles of "democratic centralism" and "collective head of State." The plain language of the Constitution creates an office for which no parallel is found in Soviet public law, and Mao's constitutional status is placed above any status in government enjoyed by Stalin (or Malenkov).

2. An independently elected Vice-chairman (Chu Teh) succeeds to the chairmanship in the event of inability or vacancy, thus providing

for a constitutional line of succession—which may differ from the party's line of succession. The Vice-chairman performs no distinctive functions other than those which may be devolved upon him by the Chairman.

3. The Supreme State Conference is a new organ—convened by the Chairman of the CPR, presided over by him, and consisting of himself, the Vice-chairman, the Chairman of the Standing Committee of the NPC (Liu Shao-ch'i), and the Premier of the State Council (Chou En-lai) as permanent members, in addition to "other persons concerned." The Supreme State Conference may submit its views "on important affairs of state" to any other state organ for "consideration and decision." The present constitutional membership of the Conference consists of the four leading members of the CCP Politburo, and the Conference may be the device through which the core leadership of the CCP is brought into a key position in the government structure.

4. The NPC finally assumes the place in the Chinese Communist system of government corresponding in general to that of the Supreme Soviet in the Soviet Union. The NPC is, however, a unicameral body, larger than any other single legislative chamber (1226 members, fixed by law). It is "the highest organ of state power" (Article 21), and "the only organ exercising the legislative power of the State" (Article 22). It exercises 13 specified functions and powers, including that of amending the Constitution (by two-thirds majority vote), and "such other functions and powers as [it] considers necessary" (Article 27). Under the Election Law of 1953,[61] all of its members are indirectly elected, most of them by provincial and municipal people's congresses, which are also elected indirectly; and special constituencies are created for the armed forces, overseas Chinese, and national minorities. The actual designation of the deputies to be elected by the "electing" bodies in 1954 was made at the central government level, through the National Committee of the CPPCC,[62] and central government commissions for Overseas Chinese Affairs and Nationalities Affairs. The "blanketing in" of the system of people's congresses, including the NPC, by the Constitution was achieved without notable effect upon previous hierarchical practices of "democratic centralism."

5. The Standing Committee of the NPC (Chairman: Liu Shao-ch'i)

[61] *DNR*, March, 1953, pp. 15–19. For official commentary by Vice-Premier Teng Hsiao-p'ing, see *DNR*, March, 1953, pp. 21–24, 31–34.

[62] A new constitution for the CPPCC, replacing the organic law of September 27, 1949, was adopted by the Second National Committee of the CPPCC on December 25, 1954. The text of the new constitution has not become available, but Premier Chou En-lai's explanation of December 26 indicated that the CPPCC (and its lower level counterparts) would continue to be consulted on the nomination of candidates for election to the NPC (and local people's congresses). Peking Radio, December 25 and 26, 1954.

exercises the principal functions of the NPC *ad interim* with wide powers of decree, and is the Chinese counterpart of the Presidium of the Supreme Soviet of the U.S.S.R. However, since the Chairman of the CPR has a separate constitutional position, the Chairman of the Standing Committee of the NPC does not enjoy the prestige of the Chairman of the Presidium of the Supreme Soviet.

6. The new State Council (Premier: Chou En-lai) supplants the former Government Administration Council, and is the "highest administrative organ of the State" (Article 47). The State Council "guides the building up of the defense forces" (Article 49), and thus gains in status by the apparent dissolution of the People's Revolutionary Military Council—which had exercised supreme military authority over military affairs under the Organic Law of 194. A new Ministry of Defense is established within the State Council by organic law (first Minister: P'eng Te-huai); and other changes in internal structure strengthen the position of the Premier in administration.

7. A new National Defense Council, elected by the NPC on nomination of the Chairman of the CPR—who "commands the armed forces of the country"—*may* have succeeded to the general responsibility for overall military direction, in place of the former People's Revolutionary Military Council, leaving the Ministry of Defense and Premier to be concerned with military housekeeping. The functions of the National Defense Council are nowhere stated, however, and an evident effort has been made to prevent foreigners from learning too much about command relationships. Conceivably the People's Revolutionary Military Council may have survived the transition by resuming its pre-1949 form as an organ of the CCP.

The adoption of the Constitution of 1954 also served as an instrument (or pretext) for effecting certain political changes involving the status of individuals and of leaders of minor parties, but these questions lie beyond our present scope.

IDEOLOGY AND LEADERSHIP IN PUERTO RICAN POLITICS

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Far and away the most powerful force in the political life of the Commonwealth of Puerto Rico is the Popular Democratic party (*Partido Popular Democrático*, or PPD). Since 1945 elected representatives of the party have held the office of Resident Commissioner in Washington and more than two-thirds of the seats in both houses of the insular legislature. Since the election of 1948 the president of the party, Luis Muñoz Marín, has been Governor of the island. Inasmuch as there are no other elective officials in the executive branch, gubernatorial appointees loyal to the party and its program fill all the top policy-making and administrative posts. And because the Governor also appoints all judges, the percentage of *Populares* on the Commonwealth bench is understandably high.

The party's control over the insular government is a direct result of its extraordinary showing at the polls. Its island-wide candidates have never received less than 60 per cent of the total vote in any election save that of 1940, the first in which a Popular Democratic ticket was on the ballot. In the most recent election, that of November 4, 1952, the Popular candidate for Governor received a record 65 per cent of the votes cast. All other Popular candidates won by similar if somewhat smaller margins, not only on the insular level but also in senatorial and representative-district contests and in municipal elections. As a result of the 1952 balloting, every one of the seventy-six *municipios* into which Puerto Rico is divided has a Popular mayor and none but Popular councilmen.[1]

The purpose of this discussion is to shed some light on the nature of Puerto Rican politics by canvassing the reasons for the marked success of the Popular Democratic party in gaining and holding the support of the electorate. At the outset, it is well to dismiss electoral fraud or coercion as possible explanations. Puerto Rican elections have been singularly free, honest, and peaceful ever since the Popular party first came on the political scene—a state of affairs for which the party itself is in no small degree responsible. One of its earliest and most striking achievements, it may be noted, was the virtual abolition of vote-buying, a practice which had distorted the electoral process since the turn of the century.

Before going any further, it is also advisable to dissociate the Puerto Rican type of dominant-party politics from the "one-party" politics of the South in the United States. The two have little or nothing in common, despite the fact that the predominance of the Popular Democratic party in Puerto Rico might

[1] For the 1952 election data on which the above comments are based, see William M. Amy, *Estadísticas de las elecciones celebradas en Puerto Rico el 4 de noviembre de 1952*, 2nd ed. (San Juan, 1952).

seem to correspond to that of the Democratic party in the Southern states. The Democratic party in most parts of the South is not a party at all but a congeries of factions,[2] whereas the PPD is a highly centralized and well-disciplined organization in which factionalism seldom arises, even in its local branches. In the South the real election is the primary, in which the factions of the Democratic party compete for nominations that are tantamount to election; as a consequence voter participation in general elections ordinarily is low. In Puerto Rico, on the other hand, direct primaries are rarely held (nomination is by party convention), and voters and parties alike regard general elections as significant contests. Despite their dim prospects, the minority parties wage vigorous campaigns, and the voters turn out in large numbers on election day. Only once since the Popular party entered the electoral lists have less than 75 per cent of the registered voters gone to the polls.

In short, the Popular Democratic party carries elections by authentic landslides, and the results may safely be said to reflect the will of the people. The problem then remains to identify the causes of the party's popularity. These are essentially two: the attractiveness of the PPD program of economic and social reform, and the personal appeal of the party's founder and leader, Muñoz Marín. The first of these factors ministers to deeply felt but long-neglected physical needs of the vast majority of Puerto Rican people; the other caters to psychological needs which, although historically conditioned, are deep-rooted and widespread in the island. The popular support of the PPD is thus grounded on the party's effective response to basic human demands.

I. THE POPULAR DEMOCRATIC PROGRAM: THE IDEOLOGICAL FACTOR

Two facts about Puerto Rico must always be kept in mind in any attempt to understand the politics of the island. One is colonialism, the other poverty. For four centuries Puerto Rico was a colony of Spain and for another half-century a non-self-governing territory of the United States. Royal governors and their deputies ruled the island autocratically until the last days of the Spanish regime; the reforms decreed in 1897 were only beginning to take effect when the armed forces of the United States occupied the island during the Spanish-American War.[3] In 1900 Congress began the period of American civil

[2] See V. O. Key, Jr., *Southern Politics* (New York, 1950), *passim*, esp. pp. 298–310, 406–9.

[3] In a last-ditch but singularly unsuccessful attempt to bring an end to the insurrection in Cuba, and thus to avert armed intervention by the United States, the Spanish Crown on November 25, 1897, issued three decrees liberalizing the governments of Cuba and Puerto Rico. The first decree, the so-called Autonomic Charter of the Antilles, granted a considerable measure of self-government to the two colonies; the second instituted universal manhood suffrage; and the third brought Cubans and Puerto Ricans under the protection of the bill-of-rights provisions (Title I) of the Spanish Constitution of 1876. The first two decrees are translated in *Laws, Ordinances, Decrees, and Military Orders Having the Force of Law, Effective in Porto Rico May 1, 1900* (Washington, G.P.O., 1909), Part III, pp. 1821–61. For the text of Title I of the 1876 Constitution, see *Documents on the Constitutional History of Puerto Rico* (Washington, Office of Puerto Rico, n.d.), pp. 9–12. The Puerto Rican parliament elected under the Autonomic Charter convened on July 17,

control by giving the Puerto Rican people a taste of self-rule; but only gradually thereafter did it increase the portion, and not until 1952 did it relinquish its power to overrule insular legislation and to determine the basic law of the island.[4]

Throughout both colonial regimes all but a small fraction of the people remained at or near a subsistence level of existence. Cash incomes were always

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1898; on the 25th American troops landed on the south coast of the island; on the 28th the parliament disbanded, never to reconvene. See José A. Gontán, *Historia Político-Social de Puerto Rico* (San Juan, 1945), pp. 316–18.

[4] The Organic Act of 1900 (the so-called Foraker Act, 31 *Stat.* 77) permitted the Puerto Rican people to control their own municipalities, to send a Resident Commissioner to Washington, and to elect the members of the lower house of the insular legislature, but it vested in the President the power to appoint the Governor, the justices of the Supreme Court, and the members of the upper house (called the Executive Council, an eleven-man body, six members of which served as heads of the executive departments).

The Organic Act of 1917 (or the Jones Act, 39 *Stat.* 951) made the upper house elective, authorized the Governor to appoint most of the department heads, and extended United States citizenship to the people of Puerto Rico. A 1947 amendment (usually called the Elective Governor Act, 61 *Stat.* 770) made the governorship an elective office, but the Auditor and the Supreme Court justices continued to be presidential appointees until the Commonwealth Constitution took effect.

The drafting of a constitution by the Puerto Rican people was authorized in 1950 by Public Law 600 of the 81st Cong., 2d sess. (64 *Stat.* 319), enacted "in the nature of a compact" with the people of the island. This act did not take effect until ratified by the latter in a referendum. The constitution was thereupon drafted by a constituent assembly, ratified by the Puerto Rican people, and approved by Congress (66 *Stat.* 327, 1952). It took effect on July 25, 1952, thus bringing the Commonwealth into being. See Victor Gutiérrez Franqui and Henry Wells, "The Commonwealth Constitution," *The Annals of the American Academy of Political and Social Science*, Vol. 285, pp. 33–41 (Jan., 1953).

Under the terms of Public Law 600, about half of the Organic Act of 1917 was repealed upon the taking effect of the new constitution. By the repeal of Section 34 of the Organic Act, Congress gave up its right to annul insular legislation and withdrew the right of the President to uphold gubernatorial vetoes of such legislation. Other repealed sections included a bill of rights and provisions relating to the structure and powers of the insular government.

Public Law 600 kept the remainder of the Organic Act in effect under a new title: the Puerto Rican Federal Relations Act. The latter contains provisions concerning the Resident Commissioner, U. S. citizenship, the applicability of federal laws to the island, economic privileges originally granted to Puerto Rico in the Organic Act of 1900, and other matters.

Although still in the process of definition, commonwealth status is the product of all these changes. Its basic meaning is that Puerto Rico is self-governing in local affairs under a constitution of its own adoption and that its relations with the United States are those of association based upon the principle of consent as recognized in a compact with the federal government. Puerto Ricans continue to be citizens of the United States and are subject to most federal laws of general application. They do not have voting representation in Congress or the right to participate in presidential elections, but on the other hand they pay no federal taxes. For a description of commonwealth status and a discussion of possible avenues of future development of the commonwealth relationship, see Luis Muñoz Marín, "Puerto Rico and the U. S., Their Future Together," *Foreign Affairs*, Vol. 32, pp. 541–51 (July, 1954).

very low: as late as 1940 the average annual net income was only $122 per capita. Most workers were landless agricultural laborers who had only seasonal employment. The great bulk of the population, whether urban or rural, suffered from chronic malnutrition and lived in one or two-room shacks devoid of sanitary facilities of any kind. These conditions bred the familiar vicious circles of underdeveloped economies. Poverty made for widespread illiteracy and enervating disease; these factors resulted in low labor productivity, and this in turn perpetuated economic distress. Similarly, the high birth rate, a familiar concomitant of poverty, combined with a declining death rate to produce a a constantly growing population; ever more mouths to feed exerted on relatively static resources a pressure that resulted in an ever-declining standard of living.[5]

Neither Spain nor the United States made any serious attempt to solve these economic problems. The history of Spanish policy toward Puerto Rico indeed gives little evidence that the welfare of the inhabitants was ever taken into account. The American record looks somewhat better—various "Yanqui" governors tried, mainly with insular funds, to improve conditions by developing a public school system, establishing public health services, and building roads and other public works—but even so the United States' attitude toward Puerto Rico's economic troubles was basically one of indifference and neglect.

Until about 1940 this attitude was shared by most of the island's political leaders. Economically secure themselves as members of the numerically insignificant middle and upper classes, the native *políticos* tended to pay little heed to the plight of their less fortunate fellow citizens. Their chief concern was the colonial status of their homeland, a preoccupation characteristic of the educated classes in most dependent areas the world over. From the early nineteenth century onwards, Puerto Rican intellectuals and party leaders were familiar with the anti-colonial doctrines of liberalism and acutely conscious of the successful efforts of their Latin American cousins in throwing off the colonial yoke. The political elite of the island therefore spent most of their time attacking the colonial system and arguing among themselves over the changes that should take place in the political *status quo*.

The Status Issue in Insular Politics. From 1900 to 1940 the status issue was the dominant theme in Puerto Rican politics. On one point the three political parties of the island were in complete and clamorous agreement: they were dissatisfied with the amount of self-government granted to Puerto Rico and with the failure of Congress to declare itself on the question of the island's ultimate political status. The parties differed, however, in their conceptions of what that ultimate status should be.

The Republican party, founded in 1899 by Dr. José C. Barbosa and the majority party from 1900 to 1905, advocated admission of Puerto Rico to the Union as a state—a position to which the party has remained committed down to the present day.

The Union party, founded in 1904 by Luis Muñoz Rivera and the majority

[5] See Harvey S. Perloff, *Puerto Rico's Economic Future* (Chicago, 1950), esp. pp. 3–9, 21–37, 159–67, 196–209.

party from 1905 to 1930,[6] was less consistent. At first it declared itself in favor of any one of the following solutions: local home rule, statehood, or independence under a U.S. protectorate. In 1913 the Unionists dropped the statehood plank from their platform, but the party continued to be divided on the status issue. A few of its leading members still looked upon statehood as the ideal solution; a few others, led by José de Diego, called for immediate independence; still others wanted autonomy or home rule under the American flag.[7] The line taken by most Unionists, however, was the moderate position held by Muñoz Rivera at the time of his death in 1916: immediately increased powers of self-rule, to be followed eventually by independence. Under Antonio R. Barceló, Muñoz Rivera's successor as party leader, the Unionists (after 1931, the Liberals) continued officially to reject the extremist solution of immediate independence despite the development of strong support for that policy in the early thirties under the leadership of Muñoz Rivera's son, Luis Muñoz Marín. In 1936 Muñoz Marín and his followers were expelled from the party because of their intransigence on the independence question.

The Socialist party was the only one of the three main parties which was prominently identified with a program of social and economic reform, but it too was involved in the status controversy. A latecomer in insular politics—it did not achieve an island-wide organization until 1915—the party began as the political arm of Puerto Rico's first labor movement, the *Federación Libre de los Trabajadores de Puerto Rico*, which in 1901 had become affiliated with the American Federation of Labor. Hence the party was strongly oriented toward permanent association with the United States, Americanization of the island, and eventual statehood for Puerto Rico. At first the party emphasized its reform program and as a result won enough support[8] among urban and rural workers to give serious concern to the economically conservative Unionist and Republican leaders. In 1924, however, the Socialists joined with the pro-statehood Republicans to form an electoral grouping known as the Coalition, and thereafter a statehood emphasis tended to overshadow their commitment

[6] In 1897 Muñoz Rivera had founded the Liberal party, which in 1899 became known as the Federal party. In 1904 its name was changed again to *Partido Unión de Puerto Rico*. In 1924 and 1928 Unionists were elected to office as the dominant partners in an electoral grouping known as the Alliance, the other members of which were dissident (i.e., non-statehood) Republicans. In 1929 the Alliance fell apart and in 1931 the Unionists reorganized themselves as the Liberal party.

[7] In its 1922 convention the Union party adopted a platform calling for the creation of an Associated Free State (*Libre Estado Asociado*) in terms that clearly anticipate the Commonwealth status recently achieved. It is to be noted that the word "Commonwealth" is rendered *Estado Libre Asociado* in the Spanish text of the new constitution (Art. I, Sec. 1). See Antonio R. Barceló, "El Partido Unión de Puerto Rico," in *El Libro de Puerto Rico* (San Juan, 1923), pp. 194–200.

[8] In the election of 1917, the Socialist ticket polled 24,468 votes, or 14 per cent of the total. In the 1920 election, it polled 59,140 votes, nearly 24 per cent of the votes cast. See *Candidatos elegidos y proclamados en las elecciones celebradas el 16 de julio de 1917* (San Juan, 1917) and *Estadísticas de las elecciones celebradas el 2 de noviembre de 1920* (San Juan, 1920).

to economic reforms. In control of the legislature from 1930 to 1941, the Coalition turned in an undistinguished performance, advancing only slightly the cause of social and economic welfare and making no progress toward statehood.[9]

Two things must be noted concerning the politics of status as engaged in by all three parties before 1940. The first is that many political leaders were apparently less interested in the achievement of any one type of political status than in the advancement of their own political fortunes. The history of this period is full of examples of politicians switching from one party to another despite the parties' ideological differences, and it is also marked by a series of party splits and mergers. Although these factional disorders often rang with protestations of "status" principles, they were for the most part occasioned by rivalries and disputes among the leading members of the political elite. The evidence suggests that for a considerable number of those leaders the symbols and catch-words of political status were simply weapons for waging a domestic power struggle.

The other feature of the pre-1940 period is that its political controversies were never very meaningful to the great mass of voters. Inasmuch as these ordinary citizens, the rural and urban poor, did not associate their poverty with the political *status quo* and did not regard themselves as victims of colonial exploitation, they could not get excited about the status issue. The early growth of the Socialist movement suggests that they might have taken a more active interest in politics if the Socialist leaders had not aligned themselves with the Republicans. But by that action the Socialists obscured the issue of economic reform and largely forfeited the advantage they seem to have had as the only party concerned primarily with the basic needs of the average voter. For most of this period, therefore, the vast majority of Puerto Ricans were bystanders on the political scene. Seldom consulted by their "betters," they were active only on election day, when their participation tended to be limited to voting as they were told to vote by their landowner or employer or as they were paid to vote by the highest bidder.

Rise of the Popular Democratic Party. After his expulsion from the Liberal party in 1936, Luis Muñoz Marín took the unusual course of living for a time among the country people and talking to them about their problems. He discovered that they were not disturbed by Puerto Rico's then colonial relationship with the United States. He learned moreover that they were not in favor of independence because they were afraid of the consequences that might

[9] For details concerning the programs and activities of the three parties, see Barceló' "El Partido Unión," and "American Rule in Porto Rico, 1899–1924," *Current History*, Vol. 21, pp. 511–17 (Jan., 1925); Sebastián Dalmau Canet, *Luis Muñoz Rivera: su vida, su política, su carácter* (San Juan, 1917), pp. 274–396; Santiago Iglesias, "Partido Socialista," and Prudencio Rivera Martínez, "Federación Libre de los Trabajadores de Puerto Rico," in *El Libro de Puerto Rico* (cited previously), pp. 208–14, 898–902; Iglesias, *Luchas Emancipadoras* (San Juan, 1929); Antonio S. Pedreira, *Un Hombre del Pueblo: José Celso Barbosa* (San Juan, 1937), pp. 133–54.

ensue—political instability and civic disorder of the Central American variety—if Puerto Rico were to become a sovereign republic.[10] He also learned firsthand the depths of their economic distress and the need they felt for governmental action to better their lot.

This last discovery struck a responsive chord in Muñoz, for he had long espoused a reformist position on social and economic matters. In his youth, both in the United States and in Puerto Rico, he had been a Socialist and had written a number of articles calling attention to the desperate straits of most of the Puerto Rican people, to the wealth drained annually from the island by American-owned sugar corporations, and to the need for land reform and industrialization.[11] During the depression he had joined his late father's party and in 1932 had been elected a Senator at Large on the Liberal ticket; although the Liberals were the minority party, it was Muñoz Marín, through his New Deal connections in Washington, who had arranged for the extension of federal relief funds to the island. Still more recently, only a few months before his expulsion from the Liberal party, he had attacked the Tydings bill for Puerto Rican independence on the ground that its provisions meant "complete ruin" for the island.[12]

As a result of the Tydings bill and of his talks with the country folk, Muñoz began to reconsider his commitment to independence and to give more attention to ways of solving the economic problems of the island. By the summer of 1938 he was ready to launch a political party that would waive the status question and address itself to the task of social and economic reform. Registered under the name Popular Democratic party and under the symbol of the *pava*, the highland farmer's broad-brimmed straw hat, the new organization took as its motto *Pan, Tierra y Libertad* (Bread, Land, and Liberty). During the next two years Muñoz and his followers carried their message personally to the landless workers on the plantations, to the poverty-stricken *jíbaros* of the mountains, and to the slum-dwelling day laborers of the towns. Declaring that "status is not an issue," they pledged themselves to specific steps for promoting the welfare of the people. Every Popular candidate publicly took an oath to vote for an already drafted land-reform bill, for an income-tax measure, and for a minimum-wage law. Muñoz also urged the electorate not to sell their

[10] Muñoz had long thought otherwise. In his twenties, while living in New York and trying his hand at poetry and free-lance journalism, he had written, "the sentiment for independence is real enough among the young fellows and the common people, and it only waits to be organized by a politician with some poetry in his make-up." "Porto Rico: The American Colony," *The Nation*, Vol. 120, pp. 379–82 (April 8, 1925).

[11] See especially Muñoz, "Porto Rico: The American Colony"; "The Sad Case of Porto Rico," *The American Mercury*, Vol. 16, pp. 137–41 (Feb., 1929); "What Next in Porto Rico?" *The Nation*, Vol. 129, pp. 608–9 (Nov. 20, 1929); and "T.R. of P.R.," *World's Work*, Vol. 60, pp. 21–24 (July, 1931).

[12] For Muñoz' comments on the Tydings bill (S. 4592, 74th Cong., 2d sess., introduced April 23, 1936), see *El Mundo* (San Juan, P. R.), April 24, 1936. Muñoz describes the bill's unsettling effect on his thinking about independence in "Development through Democracy," *The Annals of the American Academy of Political and Social Science*, Vol. 285, pp. 1–8 (Jan., 1953).

votes and to get into the habit of demanding results from those whom they elected to public office.[13]

Popularity of the PPD Welfare Program. In the general election of 1940, popular response to this new approach was sufficient to give the party tenuous control over the legislature—a one-vote margin in the Senate and another bare majority in the House thanks to the cooperation of two independents. Under Muñoz' dynamic leadership as President of the Senate and with the active support of Governor Rexford G. Tugwell, the *Populares* fulfilled their campaign promises and in addition enacted a bold program leading to diversification of agriculture, industrialization, and expansion of social services.

During the 1944 campaign, in which status was again declared not to be an issue, the Popular party ran on its record and promised to continue its efforts to raise the standard of living. This time the response was overwhelmingly favorable: the party captured every office it contested, including all but two seats in each house. Thus entrenched, the *Populares* pushed rapidly ahead with their welfare program. During the next four years they introduced profit-sharing among the workers on the sugar-cane plantations recently acquired by the government. They distributed among thousands of landless farm-worker families plots of ground large enough for a house and a vegetable garden. They established new medical centers, enlarged and modernized public hospitals, and built over two thousand new classrooms in the public schools. They moved over 30,000 persons from slums to low-rent housing developments. They established new parks and playgrounds, provided financial aid for the unemployed and the aged, and extended electric power for the first time to more than 150 rural communities.[14]

Returned to office by equally large majorities in 1948 and 1952, the *Populares* have continued to register social and economic gains for the Puerto Rican people. Among the most significant accomplishments of the period since 1948 has been the rapid industrialization of the island. Under the stimulus of a governmental program of aids and incentives known as Operation Bootstrap, over three hundred factories have been established, creating more than 25,000 new jobs and providing an annual payroll of about $20,000,000. As of June 30, 1953, the average annual net income per capita had risen to $426, as against the 1940 figure of $122—well over three times the latter and representing a rise in real income of 74.6 per cent.[15]

[13] The foregoing account of the changes in Muñoz Marín's thinking and of the founding of the PPD is based on conversations that I have had with Muñoz and with his associates of that period. For a lively description of the 1938–40 campaign, see Muñoz Marín, "Plight of Puerto Rico," *The New Republic*, Vol. 108, pp. 51–52 (Jan. 11, 1943). See also Olivo de Lieban Córdova, *Siete Años con Muñoz Marín, 1938–1945* (San Juan, 1945), pp. 39–96.

[14] See Luis Muñoz Marín, *Historia del Partido Popular Democrático* (San Juan, 1952), pp. 16–20.

[15] Figured in 1940 dollars, the 1953 per capita net income was $213. See Office of Economic Research, Economic Development Administration, *The Net Income of the Commonwealth of Puerto Rico* (San Juan, 1953), p. 23, Table 10 as amended. For statistics on the expansion of industry, see Bureau of Economics and Statistics, Puerto Rico Planning Board, *Economic Report to the Governor, 1953* (San Juan, April, 1954), pp. 66–73.

By concentrating on the economic problems of the island, the Popular Democratic party has won the enthusiastic support of the common people who, prior to 1940, had been largely indifferent to party struggles. It seems clear that they have responded to the PPD not only because its welfare program has measurably improved their living conditions but also because the party has addressed itself to their primary concerns and hence has given them a sense of being valued on their own account. The traditional status-oriented parties were never able to evoke this feeling of identification and belonging among the masses.[16] As a consequence, two of the three old parties have disappeared from the political scene: in the 1944 election the Liberal party failed to poll as much as 10 per cent of the popular vote and hence lost its legal standing; the same fate overtook the Socialists in the 1952 election. Of the three, only the Republican party remains, and its strength has declined with every election; in 1952 its candidate for Governor received only 13 per cent of the total gubernatorial vote.

It is not to be expected, however, that the Republican party will follow the other two into oblivion, for it constitutes the rallying point for what appears to be a stable minority of more than 10 per cent of the Puerto Rican electorate who value statehood above all other ideological considerations. There is likewise a minority firmly committed to the ideal of independence, and the Independence party, which it supports, seems also destined to remain in existence until Puerto Rico's political status is irrevocably determined. Founded in 1943 as the Congress for Puerto Rican Independence and registered as a political party in April, 1948, the *Partido Independentista Puertorriqueño* (the PIP) placed third in the 1948 election. In 1952 it attained second place, mainly at the expense of the other minor parties, and its candidate for the governorship received 19 per cent of the votes cast. The emergence of the PPD as a welfare-

[16] Anthropological studies of selected rural areas and small towns in the late 1940's revealed a continuing lack of interest in the status issue on the part of the average Puerto Rican voter. One such study reports the following: "Investigation quickly discloses . . . that most of the inhabitants of the many small towns and of the rural areas are not intensely preoccupied with the question of Puerto Rico's colonial status. These people are too deeply involved in everyday problems of making a living, marrying, reproducing and raising children, and trying to enjoy a bit of recreation now and then to give thought to such complex, usually incomprehensible matters as political status, tariff advantages and disadvantages, or the position of Puerto Rico among the nations of the world. . . . Once the city and University are left behind, the status question is likewise left behind, for the rest of the island's population performs its daily activities seemingly unaware of, or indifferent to, the question of Puerto Rico's political status." Morris Siegel, "A Puerto Rican Town," unpub. manuscript (Social Science Research Center, University of Puerto Rico, 1948), p. 294. See also the following unpub. dissertations (Columbia University, 1951): Eric R. Wolf, "Culture Change and Culture Stability in a Puerto Rican Coffee Community," pp. 166–67; Sidney W. Mintz, "Cañamelar: The Contemporary Culture of a Rural Puerto Rican Proletariat," pp. viii/2–3; and Elena Padilla, "Nocora: An Agrarian Reform Sugar Community in Puerto Rico," p. x/25. These Columbia studies are the outcome of a project sponsored by the Social Science Research Center of the University of Puerto Rico and directed by Professor Julian Steward. They will soon appear in book form under the imprint of the University of Illinois Press.

oriented party has thus resulted in a reshuffling of party support and in a precipitation of die-hard statehood and independence advocates into ideologically "pure" status parties.

The PPD Commitment to Commonwealth Status. This is not to say that the Popular Democratic party has taken no position on the status issue: as early as 1943 the party began to get involved in the question. Muñoz, Governor Tugwell, and other leaders believed that, as far as Congress was concerned, the time was ripe to press for changes in the Organic Act which would grant more self-government to Puerto Rico and remove some of the stigmas of colonialism from the island's relations with the United States. Another factor leading to Popular concern with the status issue was the trouble that Muñoz was beginning to have with some of his subordinate leaders whose association with him dated back to the mid-thirties when together they had been expelled from the Liberal party for their advocacy of independence. Never reconciled to the policy that status was not an issue, these elements of the Popular high command had been among the founders of the Congress for Puerto Rican Independence and were leading an *independentista* campaign within the Popular party.[17] Even if Muñoz had not been convinced of the need for reopening the status question, these *independentista* activities would have forced his hand.

Steps were taken in 1944 to initiate congressional consideration of a bill to revise the Organic Act, and in 1947 the governorship was made an elective office.[18] Passage of this legislation failed to satisfy the more vociferous leaders of the independence wing of the party, a number of whom withdrew from the PPD and joined with others in 1948 to found the Independence party. As for the more moderate *Populares*, adoption of the Elective Governor Act only whetted their appetite for further progress toward self-government. During the 1948 campaign the party therefore committed itself to the policy that the Puerto Rican people should have an opportunity to draft a constitution of their own which would supersede the insular-government provisions of the Organic Act. Interpreting the Popular victory at the polls as in part a mandate to secure what in the end came to be called commonwealth status, the party leaders spent the next three and a half years seeking the approval of Congress and the Puerto Rican people for the specific changes involved.[19] The successful conclusion of their efforts in 1952, and their support of the United States' successful argument before the United Nations in 1953 to the effect that the Commonwealth of Puerto Rico is no longer a "non-self-governing territory" within the meaning of Article 73e of the U.N. Charter,[20] have firmly committed the party to a defense and an elaboration of the commonwealth concept in the perennial status debate.

Since 1948, therefore, the Popular Democratic party has had two strings to

[17] See Rexford Guy Tugwell, *The Stricken Land* (Garden City, 1947), pp. 540–41.

[18] See note 4. [19] See note 4.

[20] The successive stages in the United Nations' consideration of the Puerto Rican case are summarized in the following U.N. documents: A/AC.35/L.121, A/2465, A/2556, and A/PV. 459.

its ideological bow: its welfare creed, and its sponsorship of commonwealth status. Of these, the former would seem to be much the more dependable source of popular support. Despite the dramatic improvement in economic conditions during the last ten years, the Puerto Rican standard of living is still low by comparison with that of even the poorest state in the Union. Social and economic problems are therefore likely to continue to be regarded by the average voter as more important than the problem of political status.

II. MUÑOZ MARÍN AS LEADER: THE *PERSONALISMO* FACTOR

The foregoing considerations might well seem to be explanation enough for the strong electoral support of the Popular Democratic party. The fact is, however, that the party owes its success in considerable measure to the popularity of its founder and leader, Luis Muñoz Marín. As Franklin D. Roosevelt and Winston Churchill once were in their respective democracies, Muñoz is and has been since 1940 a figure of heroic proportions in the public life of Puerto Rico. Members of all classes give him their respect, confidence, and support, but his following is grounded on the humble folk of town and countryside, from many of whom his charismatic appeal elicits a loyalty that borders on devotion.[21]

Muñoz Marín's Leadership. It is not easy to state the dimensions of Muñoz Marín's stature as a political leader. His personality is complex and the external factors contributing to his success are manifold. Nevertheless the following characteristics, generally agreed upon by those who know Muñoz and his role in Puerto Rico, may serve as at least a partial explanation for his hold on the affections and loyalty of the great majority of Puerto Ricans.

To begin with, he is endowed with a number of attributes, quite apart from personality traits, which sociologists have long identified as concomitants of leadership. He bears a distinguished name. Son of a famous patriot (Muñoz Rivera is often called "the George Washington of Puerto Rico"), he began his own political career with the enormous advantage of being in a sense already known. On his mother's side he comes of another prominent family, the Marínes, who have contributed significantly to the cultural life of the island. Tall and powerfully built, he towers above most of his compatriots. Dignified but never stiff or formal, he has the bearing of command. His voice is deep and resonant, and his face, scarcely to be described as handsome, is generally felt to inspire confidence because of its expression of strength, humor, and fellow feeling.

As to his personality, here again Muñoz is almost the prototype of the popular

[21] The anthropologist Mintz, who lived for more than a year in a cane-workers' village ("Barrio Poyal") on the south coast, reports the following: "When a loyal Popular in Barrio Poyal was once asked if he had a picture of a saint in his house, he pointed jokingly to a photograph of Muñoz Marín and remarked: 'There is my saint, he lives in San Juan; his name is San Cocho.' [Sancocho is a kind of stew.] Muñoz Marín is thus identified with the most fundamental needs of the common people." Mintz, "*Cañamelar*" (cited in note 16), p. viii/2. Mintz and others have called attention to the fact that many of the poor people refer to themselves as *Muñocistas* rather than as *Populares*. See Wolf (cited in note 16), p. 155; and Padilla (cited in note 16), p. x/17.

leader. To say that he has the common touch is to understate, even to vulgarize, his rare talent for establishing a two-way relationship of sympathy and understanding with ordinary people, both face to face and in the group situation. The simplicity and directness of his public speech contrast sharply with the flamboyant tradition of Puerto Rican spell-bindery, but have had so compelling an impact upon the electorate that they bid fair to revolutionize the techniques of political oratory in the island. His earthy wit and reputation for virility are important assets among a people for whom *macho* (male) is a word of highest praise.

Within the political elite, Muñoz is acknowledged even by his opponents to be a man apart. The brilliance of his conversation, the fertility of his ideas, the shrewdness of his judgment of men and affairs, and the range of his knowledge, interests, and connections set him off as a natural leader. His profound understanding of the people and politics of the United States, where he spent most of his early years and acquired his flawless command of English, contributes significantly to the respect in which he is held by his Puerto Rican colleagues as well as to the success he has had in his frequent dealings with American political leaders and government officials. To this catalogue of traits must finally be added that hallmark of the gifted politician—the knowledge of when to compromise, when to give way, when to shift ground, when to push forward, in order ultimately to achieve one's objectives. This quality Muñoz seems to possess to a superlative degree, and it has saved him both from making irreparable mistakes and from alienating vital segments of his support.

Thus endowed by nature and inheritance with the marks of leadership, Muñoz Marín seems almost to have been predestined to play a leading role in the affairs of his homeland. But the degree of predominance to which he has attained in Puerto Rico cannot be explained without taking into account yet another factor—a highly favorable environment. His emergence as a kind of folk hero is wholly in keeping with, and indeed a product of, attitudinal and behavioral patterns that have characterized the island for many years.

Origins of Personalismo. The roots of *personalismo* in Puerto Rico, i.e., of the habit of deference to and dependence upon personal authority,[22] are to be found in the distribution of political and economic power during the four centuries of Spanish rule. On the political level, Spain's colonial policy can only be described as absolutism. Its chief feature was an extraordinary concentration of authority in the hands of the Governor General, an appointee of the Crown who was usually an army officer with the rank of Captain General. Vested with

[22] *Personalismo*, in the sense that I use the word, is not to be found in any of the several Spanish dictionaries that I have consulted, but it is nevertheless a term of some currency, especially among students of Latin American sociology and politics. See *The Evolution of Latin American Government*, ed. Asher N. Christensen (New York, 1951), pp. 109–10, 260, 414. It is to be distinguished on the one hand from paternalism, with respect to which *personalismo* is in a sense the reverse side of the coin, and on the other hand from *caudillismo*, a term which is not relevant to the Puerto Rican case, inasmuch as it connotes indigenous military or revolutionary leadership, a Latin American phenomenon which Puerto Rico fortunately has been spared.

nearly absolute power by the Laws of the Indies and by royal decrees, he tended to rule the island as if it were a military garrison. His deputies in charge of the districts into which the island was divided for administrative purposes were also military officers until late in the nineteenth century, and his personal appointees headed and controlled all but two of the municipal governments of the island. Aside from three brief periods of liberal reform during the nineteenth century, civil liberties and popular participation in government were unknown. Having no opportunity to manage their own public affairs, the Puerto Rican people became accustomed to depending upon externally imposed authority, personified by the governor and his agents, for whatever services government could provide.[23]

Much the same dependence upon personal authority became the pattern in economic life during the Spanish regime. Although Puerto Rico was predominantly a land of small farms until the early years of the present century, sizable holdings had existed on the coastal plains since early in the sixteenth century. They had come into being as a result of the *repartimiento* system, a royal policy of awarding tracts of land, along with the Indians inhabiting them, to favored Spanish settlers. Redistribution of land titles in the eighteenth century broke up some of the large estates, but the individually owned sugar plantation, or *hacienda*, continued to be the prevailing form of land holding in the coastal areas throughout the Spanish period. Whatever the size of the *hacienda*, most of the work was done by the Indians (until their disappearance as a separate racial stock towards the end of the sixteenth century), by Negro slaves (until their emancipation in 1873), and by *agregados*, i.e., free but landless whites, Negroes, and mulattoes. All of these field hands and their families, as well as the household and other servants, were totally dependent upon the *hacendado*, or landowner. They looked to him not only for direction of their daily rounds but also for help in time of sickness or other trouble. He was in short a paternalistic or quasi-feudal power figure to whom they were bound by ties of mutual obligation in all aspects of their lives.[24]

In the mountainous interior, land holdings of twenty acres or less and sub-

[23] No comprehensive political history of Puerto Rico under Spanish rule has yet been written in any language, but two excellent sketches are available in English. One is Pedro Muñoz Amato, "Major Trends in the Constitutional History of Puerto Rico, 1493–1917," *Revista de Derecho, Legislación y Jurisprudencia del Colegio de Abogados de Puerto Rico*, Vol. 12, pp. 242–59 (1949), and the other is José Trías Monge, "Legislative and Judicial Reorganization in Puerto Rico," unpub. diss. (Yale Law School, 1947), pp. 173–247. See also Lidio Cruz Monclova, *Historia de Puerto Rico (Siglo XIX)*, Vol. 1 (Río Piedras, 1952), for an exhaustive account of the period 1808–1868. Volumes 2 and 3, forthcoming soon, will carry the story through 1898.

[24] According to a recent description, the *hacendado* was "a patriarchal figure who acted at times as father, counsellor, physician and judge of his people. The term 'padre de agrego' (father by aggregation) is still used by some of the older residents of our rural communities when referring to the owner of the land where they live." Raúl Muñoz, Belén M. Serra, and Angelina S. de Roca, "Research and Evaluation in a Program of Community Education," *The Journal of Social Issues*, Vol. 9, No. 2, pp. 43–52 (1953).

sistence farming characterized the Spanish period until the nineteenth century, when coffee became a profitable cash crop. Large farms, or *fincas*, then began to appear even in the mountains, especially in the western half of the island, and the large landowner came to be the dominant figure in his highland community. Like the *hacendado* of the sugar plantation, the big coffee farmer tended to be the personification of authority among the *jíbaros*, the humble tenants and small holders, of his neighborhood.

Because of the overwhelmingly rural character of the island and the immobility of the peasantry in Spanish times, it seems likely that the large landowner was more important than the colonial official in the development of the *personalismo* tradition. According to the 1899 census, barely a fifth of the population (21.4 per cent) lived in towns of 1,000 or more, yet it was mainly in the urban areas that Spanish officialdom made its presence felt. The country people knew at first hand only the authority of the local gentry. Around them, the unofficial but virtually omnipotent arbiters of rural life, developed the attitudes of deference and dependence that have since carried over into other fields and especially into politics.[25]

Personalismo in Puerto Rican Politics. The *personalismo* tendency could not manifest itself electorally in Puerto Rico until 1898. The parliamentary election of that year was the first to be held on the basis of universal manhood suffrage[26] and hence provided the first occasion on which appeals could be made to anything approaching a mass electorate. This contest, marked by extreme bitterness and even violence, was mainly a struggle between two strong personalities, Luis Muñoz Rivera and José Celso Barbosa, and their respective followers. For more than a quarter of a century thereafter, despite Muñoz Rivera's death in 1916 and Barbosa's in 1921, rivalry between the "Muñocistas" and the "Barbocistas" sharpened when it did not supersede the status issue as a cause of division and conflict in insular politics.[27]

Santiago Iglesias, founder of the Puerto Rican labor movement and of the Socialist party, provides a third example of *personalismo* on the insular level before the rise of Muñoz Marín. Although the party and the labor movement gained much of their strength from the popularity of their economic aims among the workers, Iglesias' dynamic personality was in no small degree re-

[25] No economic history of Puerto Rico has yet appeared, but the following works contain material on land tenure and economic organization in the Spanish period: Victor S. Clark and associates, *Porto Rico and Its Problems* (Washington, 1930), pp. 495–500; Raymond E. Crist, *Sugar Cane and Coffee in Puerto Rico* (Rio Piedras, n.d.), pp. 3–7. This work is reprinted from *The American Journal of Economics and Sociology*, Vol. 7, pp. 173–84, 321–37, 469–74 (Jan., Apr., and July, 1948); Perloff, *Puerto Rico's Economic Future* (cited in note 5), pp. 12–16; and Rafael Picó and William H. Haas, "Puerto Rico," in *The American Empire*, ed. Haas (Chicago, 1940), pp. 41–55.

[26] See note 3.

[27] For a discussion of the rivalry between Muñoz Rivera and Barbosa, see Pedreira, *Un Hombre del Pueblo* (cited in note 9), pp. 121–49, and José A. Gautier Dapena "Nacimiento de los Partidos Politicos bajo la Soberania de los Estados Unidos," *Historia*, Vol. 3, pp. 158–78 (Oct., 1953).

sponsible for such success as they achieved. He had a devoted personal following which remained loyal until his death in 1939.[28]

But the phenomenon of *personalismo* is not restricted to the insular level of Puerto Rican politics. It has characterized local politics as well, ever since the beginnings of mass participation in political life around the turn of the century. On both the municipal level and that of the rural *barrio*, or district, it manifests itself in popular dependence upon a single political leader, in whom is focused most of the effective power available to the local community. In every *municipio* today there is a political boss who is the local leader of the Popular Democratic party. In a few instances he does not hold public office, but usually he is the mayor, sometimes the representative from his district, or occasionally even a senator. Whatever his status, he tends to be regarded by his fellow citizens as the local embodiment of the party and hence of the government, as their most effective intercessor when they seek benefits provided by insular agencies, and as an ever-available source of favors, jobs, hand-outs, and advice. In short he is expected to play the role of the paternalistic *hacendado* for the entire municipality.

The local Popular leader has the power to perform these services because he normally controls the municipal assembly (though its members are elected) and the municipal administration (all members of which are appointed). In some cases he may even be able to influence the decisions of the local District Court, though in recent years the judiciary has become increasingly less susceptible to political pressures. But his most important source of strength is the fact that he is the municipality's link with the higher echelons of the party, whence many blessings flow.

Within the rural *barrios* of each *municipio* the same pattern prevails. Always there is a single leader, usually the chairman of the *barrio* committee of the Popular Democratic party and often called the *comisario del barrio*, who is the key political figure in the community. As the leading Popular he has close ties with the municipal boss of the party and dispenses the political patronage available to the *barrio*. He also acts as go-between for the people of his district in their dealings with municipal officials and performs other services for them, in the *hacendado* tradition, within the limits of his political and economic resources.

A recent survey[29] of social participation in the rural *barrios*, which contain

[28] I am indebted to my colleague Professor Reece Bothwell for the suggestion that one reason for Muñoz Marín's rise to power in 1940 may have been the fact that the veteran *politicos* Iglesias, Barceló, and Martínez Nadal—leaders respectively of the Socialist, Liberal, and Republican parties—had just previously died or retired from active politics, thus leaving the field open for the emergence of a new leadership figure. Barceló died in 1938. Martínez Nadal could not campaign actively in 1940 because of ill health and died in 1941.

[29] The survey was conducted during the period November, 1951 to February, 1952 by the Division of Community Education of the Commonwealth Department of Education, with the assistance of the Institute of Social Research, of the University of Michigan. Based on a scientific random sample of approximately 1800 adult respondents and repre-

60 per cent of the island's population, revealed that most of the country folk look to the *comisario* or to a local man of property (the two are in many instances the same person viewed in different roles) for the solution of their problems. The rural respondents mentioned such persons three times as frequently as any other when asked to identify the leaders in their respective communities.[20] The survey also attempted[21] to explore the rural population's general attitudes toward authority, with the following results:

> The dependence on government and on strong leaders is accompanied by a feeling of personal inability for the solution of communal problems as a result of an underestimation of personal capacities. . . . Evidence of the predominance of this general attitude pattern was found in the survey. From one viewpoint the Sanford abbreviation of the authoritarianism scale developed by Adorno, Frenkel-Brunswik, *et al.*, was used. Its applicability, translation, and interpretation in this setting are, of course, in need of test, but the results are interesting. Breaking the possible range at the mid-point the resulting dichotomy for the rural Puerto Rico sample is:
>
> | | |
> |---|---|
> | Somewhat authoritarian | 84% |
> | Somewhat non-authoritarian | 16% |
>
> Making a comparable split for the U. S. adult population as a comparison the figures are:
>
> | | |
> |---|---|
> | Somewhat authoritarian | 46% |
> | Somewhat non-authoritarian | 54% |

Personalismo as a Factor in the Strength of the PPD. Given this background —a history of popular dependence on personal authority that dates back four and a half centuries and is very much alive today in the local communities of the island—it is not surprising that a man with Muñoz Marín's leadership traits should evoke widespread and devoted support among the common people. They have long been conditioned to entrust their affairs to just such an authority figure. Their motivation to put their trust in Muñoz is of course the stronger because of his identification with the PPD welfare program, for this is a factor that relates him to the ancient symbolism of the good landowner, the paternalistic *hacendado* who holds himself responsible for the well-being of his people.[22]

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senting the entire rural population of the island, the survey obtained information on the economic and social characteristics of the rural population, on the extent of its past and present experience with community action, and on its attitudes toward community action, including its perceptions of the role of leadership. The preliminary findings of the survey are summarized in Muñoz, Serra, and de Roca (cited in note 24), pp. 43–52. See also Division of Community Education, "A Survey of Social Participation in the Puerto Rican Community," mimeographed (San Juan, July, 1952), and "Report on Preliminary Findings . . ." (San Juan, Sept., 1952).

[20] "Research and Evaluation in a Program of Community Education" (cited in note 24), p. 50.

[21] *Ibid.*, pp. 50–51.

[22] The anthropologist Wolf came to this conclusion after living for eighteen months among the *jibaros* of a coffee region. In support of the thesis he calls attention to Muñoz Marín's "tactic of 'going to the people'; his readiness to talk to the country folk; the simplicity of his speeches and language; his willingness to share their food and hospitality; his informality in clothes and studied dislike of urban articles of wearing apparel; his

In every election Muñoz Marín is the greatest asset of the Popular Democratic ticket, which is usually voted "straight." (The habit of voting a straight ticket is urged upon the electorate during every campaign by frequent repetitions of the slogan "*¡Una sola cruz debajo de la pava!*"—"A single cross beneath the straw hat!") To a considerable degree, therefore, the other Popular candidates ride into office on Muñoz' shirttails. But the party is also strong in its own right, and its highly centralized and well-disciplined organization contributes significantly to Popular successes at the polls. The effect of *personalismo* in maintaining this sort of organization must not be overlooked. It expresses itself horizontally in concentration of power in the hands of a single leader in each *barrio* and *municipio*, as we have seen, and in the island itself—in other words, on every level of the party hierarchy. It expresses itself vertically in direction and control of the whole organization from the top of the party pyramid, each leader on the lower levels taking his cues from the echelon above him. Here again, however, we ultimately come back to Muñoz, for he heads the central committee of the party and is president of the organization as a whole.

III. IDEOLOGY, *PERSONALISMO*, AND SOCIAL CHANGE

It would be pointless and doubtless impossible to determine whether ideology or *personalismo* has played the greater role in the success of the Popular Democratic party. It is enough to say that both factors have been vitally important—and to add that the party unquestionably could never have achieved its predominance on the basis of only one of them except by resort to patently undemocratic techniques of gaining and holding power. Together they represent a virtually unbeatable combination because they offer compatible, and indeed closely interrelated, responses to deep-rooted physical and psychological needs of the people—the need for economic security through identification with a welfare-oriented program, and the need for emotional security through identification with a strong leader.

How long this combination can last is of course another question. A pronounced change in either factor—abandonment of the welfare ideology or disappearance of Muñoz Marín from the political scene—would certainly shake and might well destroy popular confidence in the Popular Democratic party. Muñoz is not immortal, and certain members of the Popular high command are ever tempted to pay more attention to the old question of political status than to the economic and social problems of the island. The future stability of the party is therefore by no means assured.

Changes now going on within the society itself introduce another element of uncertainty, but too little is known about them to justify much comment on their significance for the future of the PPD. It seems reasonable to suppose,

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reputation as a man who can hold his liquor well; his appeal to women; his attempts to 'give life' to the people, to better their conditions. The kind of man who fits this description on the local level is the 'good landowner'." "Culture Change and Culture Stability" (cited in note 16), pp. 154–55.

however, that the Popular program has had a profound effect upon the way in which many Puerto Ricans regard themselves and their world. The liberation of thousands of people from the tyranny of struggling for the means to satisfy even the most elementary needs of life, the creation of a wide variety of new opportunities for work and prestige, the development of new habits and attitudes through employment in industry, offices, and service trades, the progressive urbanization of the island, the training of thousands of young people in the colleges and universities of the island and the mainland—all these things may perhaps be producing a new type of citizenry, a group of self-reliant individuals for whom the *personalismo* tradition is less meaningful than it used to be.

Even in the country districts, where PPD-sponsored economic reforms have had less dramatic impact than in the towns, forces are at work which may be changing rural attitudes toward authority. A program initiated by the Popular government itself, through its Division of Community Education, has recently had remarkable success in encouraging the country people to work voluntarily together on projects of their own choosing and by methods that they themselves adopt for the betterment of rural community life and for the solution of common problems.[32] In the long run this kind of activity on the part of the country folk could not fail to reduce their sense of dependence upon the *barrio* leader and thus to undermine his power and prestige, and that of the municipal boss as well. In the still longer run, it might be expected to lessen their traditional deference toward authority figures on the insular level.

It is too early to tell what these social changes mean, but it is at least conceivable that, given time enough to consolidate themselves, they can provide the basis for a fairly orderly transition from the politics of paternalism to the politics of popular responsibility. Whether or not the Popular Democratic party could survive such a transition is of course a question that no one can answer. But if that transition ever takes place, it will have been the Popular Democratic party that made it possible.

[32] For a description of this interesting development, which may well turn out to be one of the most significant achievements of the whole Popular program, see Charles F. Cannell, Fred G. Wale, and Stephen B. Withey, eds., "Community Change: An Action Program in Puerto Rico," *The Journal of Social Issues*, Vol. 9, No. 2, pp. 1–57 (1953). Reference has already been made to one of these articles in note 24.

TYPES OF COLLECTIVE SECURITY: AN EXAMINATION OF OPERATIONAL CONCEPTS*

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I. THE NEED FOR NEW CONCEPTS

"The well-bred, throbbing sound that goes on behind the Bauhaus façade of the United Nations," notes Alistair Cook, "is not the air-conditioning. It is the pulse of politics."[1] Ever since its inception in 1919, international organization somehow has been expected to operate above and beyond politics. It was to enshrine the universal aspiration for peace and stability. That "politics" could intrude upon—and indeed shape—institutions set up for the maintenance of collective security is only now being recognized by the public at large. That recognition, in turn, seems responsible for much of the current disillusionment with the United Nations, since its implications sully the pure ideal of solidarity for peace.

Ideologically speaking, our experience with collective security has rested on two basic concepts: the notion of "universal moral obligations" of the League Covenant and the concert of the big powers implicit and explicit in the United Nations Charter. Thus political values held by groups and individuals were translated into legal and institutional terms in the two universal collective security organizations. Both global efforts have failed to result in the peace expected of them; but the institutions rather than the concepts on which they were based have become the object of criticism and attack. No doubt the ideological convictions associated with the advent of international organization generally have militated in favor of the continued purity of the concepts. However, unless the concepts associated with world organization possess at once a high degree of descriptive accuracy and an analytical property permitting a measure of prediction, informed discussion of United Nations issues must be indefinitely postponed.

The League's principle of "universal moral obligations" meets neither test. While members undertook, in the words of Article 10 of the Covenant, "to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League," the rule of unanimity governed decision-making. Measures to maintain collective security could be recommended, but not ordered. Voluntary national association with the collective judgment was to be the key to conduct under the Covenant.

Ideologically, this concept assumed either the existence of a global consensus with respect to democracy and national self-determination or at least a common conviction that peace and stability are preferable to war and anarchy. As a number of recent critical studies have shown, neither set of assumptions coin-

* I am indebted to Fred von der Mehden for much research assistance and to Rupert Emerson and Robert A. Scalapino for rigorous criticism and advice.

[1] "America and the Asian Nations," *Manchester Guardian*, Sept. 3, 1953.

cided with the actual values and conduct of member states.[2] The Great Powers did not then—nor do they now—accept the universal collective security commitments to which they pay lip-service. On the basis of this conceptual and legal formulation, states will not measure up to what is expected of them in their national policies. Nor does there appear to be a "habit-forming" effect from isolated examples of the successful application of collective measures. Finally, "collective security, conceived in universal terms, is not actually considered by the great powers as a remedy for the basic insecurity of the present international system."[3] The values implicit in the concept of universal moral obligations, therefore, have found inadequate expression in national demands and policies, thus depriving the concept of either descriptive accuracy or analytical relevance.

The initial operational and ideological concept underlying the United Nations Charter was far less demanding. Binding collective action was to follow the unanimous will of the five great powers, buttressed by two small states on the Security Council. But the negative vote of one great power also suffices to prevent action of any kind. It follows, first of all, that the concert of power could *not* impose enforcement measures—as distinguished from recommendations for pacific settlement—against one of the great powers.

The basic assumption underlying this arrangement is patent: collective action could take place only on issues which were not a matter of basic dispute between the permanent members. This in turn presupposed a general identity of policy aims among them, or at least the expectation that such differences as would arise between members of the concert would be settled privately. Available evidence supports the contention that allied policy-makers in 1945 shared this expectation. If the veto were applied in a security situation, the official British commentary on the Charter points out, "The United Nations will have failed in its purpose and all members will have to act as seems best in the circumstances."[4] Hence to Britain dissolution of the concert seems to imply the cessation of certain key obligations under the Charter.

Despite the patent disintegration of the wartime concert of power and the waning of this conceptual prop for collective security, ideological support for the doctrine continues. Firm adherents of the concert principle have denounced

[2] See Kenneth W. Thompson, "Collective Security Reexamined," this REVIEW, Vol. 47 (Sept., 1953), pp. 753–72; Gerhart Niemeyer, "The Balance-Sheet of the League Experiment," *International Organization*, Vol. 6, pp. 537–58 (Nov., 1952); Howard C. Johnson and Gerhart Niemeyer, "Collective Security: the Validity of an Ideal," *International Organization*, Vol. 8, pp. 19–35 (Feb., 1954).

[3] Johnson and Niemeyer, "Collective Security," at p. 35. Significantly, the authors conclude that "any further contribution that international organization may make to the problem of security on a global scale will have to stem from new and deeper insights into the problem of causation in international politics, and the ways in which common values and interests relevant to the use of force could actually take global shape." A new conceptual foundation for the United Nations is called for.

[4] Sir Gladwyn Jebb, "The Role of the United Nations," *International Organization*, Vol. 6, pp. 509–20 (Nov., 1952).

not only the Uniting for Peace Resolution but also the whole Korean effort. A French critic characterizes both developments as illegal and contrary to the idea of the concert. He holds that Soviet obstruction in the Security Council on the Far Eastern crisis should have resulted not in Assembly-endorsed collective measures but in renewed efforts at seeking a negotiated settlement *within* the concert. 'In considering the collaboration of the great powers at once as a means and as the end of the Organization, the Charter was inspired by the only serious idealism, which is realism.'[5] No matter what other verbal interpretations may be derived from a legal exegesis of the Charter, it must be granted that in terms of the political expectations and aims of the drafters this conception of the concert prevailed in 1945.

Why bother to discuss the concept of the concert of power seriously when the necessary pre-conditions do not exist? Despite the inadequacy of the concept in the descriptive realm, it retains some analytical significance in view of the demonstrable formation of *ad hoc* concerts even under Cold War conditions. While the major assumptions of the concert advocates must be dismissed as irrelevant in our era, the actual operation of the United Nations must still be examined in order to determine the limits of validity surrounding this principle of collective security.[6]

While neither the concept of universal moral obligation nor the doctrine of a concert of the great powers can pass the test of illustrating and explaining the operation of collective security, both approaches do have the advantage of being rooted in the value aspirations of many contemporary groups, irrespective of nationality. The alternative concepts to be elaborated here lack this attribute. The first alternative, "permissive enforcement," derives support largely from the policy of the United States and the anti-communist values of Americans. The second, the concept of "balancing," represents the confluence and tension among the policies of United Nations members, but enjoys no doctrinal support as such.

Yet it would be a mistake to assume the absence of values in the implications of these alternative approaches to contemporary collective security. These concepts differ from the established ones in the manner of their derivation. They

[5] René de Lacharrière, "L'action des Nations Unies pour la securité et pour la paix," *Politique Etrangère*, Vol. 18, pp. 307–38, at p. 334. (Sept.–Oct., 1953).

[6] Among the developing body of material critical of the 1945 concert of power approach on non-ideological grounds the following may be cited: Edward H. Buehrig, "The United States, the United Nations and Bi-polar Politics," *International Organization*, Vol. 4, pp. 573–84 (Nov., 1950); Sir Gladwyn Jebb, "The Free World and the United Nations," *Foreign Affairs*, Vol. 31, pp. 382–91 (April, 1953); Kenneth Dawson, "The United Nations in a Disunited World," *World Politics*, Vol. 6 pp. 209–35 (Jan. 1954). A number of highly suggestive essays on new points of departure in the discussion of collective security may also be cited: William T. R. Fox, "The United Nations in the Era of Total Diplomacy," *International Organization*, Vol. 5, pp. 265–73 (May, 1951); Coral Bell, "Korea and the Balance of Power," *Political Quarterly*, Vol. 25, pp. 17–29 (Jan.–March, 1954); Coral Bell, "The United Nations and the West," *International Affairs*, Vol. 29, pp. 264–72 (Oct., 1953); Jiri Liska, "The Multiple Equilibrium and the American Interest in International Organization," *Harvard Studies in International Affairs*, Vol. 4, pp. 35–50 (Feb., 1954).

ignore both the ideological convictions of enthusiastic advocates of international organization and the legal formulations found in international documents, except as these illuminate the aims of policy-makers. They are derived from the operations of the United Nations and as such reflect the ends of national policy, the conflicts of policy, and the manner in which clashes are reconciled within the institutional strictures of United Nations procedure and forces. In short, they take as their point of departure the conditions under which the United Nations is called upon to intervene in a given threat to security. In addition, they seek to formalize the process set up by the interactions of national policy based on these pre-existing conditions. Primarily, the concepts of permissive enforcement and balancing are designed to provide accuracy of description and sufficient analytical rigor to facilitate prediction. They are not designed to represent or advocate any specific body of values, though the values implicit in national policies are naturally reflected in them. Yet they imply values in so far as they tend to introduce the Cold War into collective security processes, as in permissive enforcement. And to the extent that they aim at the precarious co-existence of the two major blocs, as in the balancing process in universal collective security organization, values are equally clearly implied.

II. LIMITS OF THE CONCERT OF POWER

While the concept of universal moral obligations, though conceived, was never actually born, the concert of power passed away almost as soon as its birth was registered in public policy. The mutually antagonistic global policies of the guarantors of world peace preclude the functioning of the concert as enthroned in the Security Council. As a general principle the concert has lost its relevance; but does it follow that it can no longer be an operational concept in certain situations, even under Cold War conditions? General failure in the East-West conflict through its geographical symptoms in Greece, Berlin, China, and Trieste punctuates the record of the concert principle. But occasional success, as in Palestine, Indonesia, and Kashmir, stands out as well. It is suggested that the record of the major powers in these instances furnishes the clues as to the limits of the concert principle of collective security in the Cold War era.

Kashmir has been the only major international dispute of the post-1945 period in which the guarantors of collective security failed to take sides with one or the other of the disputant parties. They established and supervised a truce, proposed demilitarization, and sought to arrange a plebiscite. The techniques of pacific settlement and united firmness on which a neutral power concert is to operate in principle were clearly in evidence. From 1948 until 1951 these efforts were carried on without a veto and without overt Soviet opposition to what were largely American-British sponsored activities.[7]

Why this proved possible can only be surmised. It stands to reason, however, that on policy grounds neither power bloc in the global conflict wished to an-

[7] On these efforts see the revealing articles of Josef Korbel, "The Kashmir Dispute after Six Years," *International Organization*, Vol. 7, pp. 498–510 (Nov., 1953), and "Danger in Kashmir," *Foreign Affairs*, Vol. 32, pp. 482–90 (April, 1954).

tagonize either India or Pakistan. The West and the Soviets vied for the support of Arab-Asian opinion, and neither expected to profit from a war in the area. Neutrality, in short, was the logical policy for each and this neutrality in turn produced an *ad hoc* concert which could seek to implement Chapter VI of the Charter. There is no reason to doubt the sincerity of the United States delegate to the Security Council when he remarked:

> All members of the United Nations have an interest in seeing this dispute settled peacefully. The United States has more than an interest; it has the most earnest desire to see the two great states of the subcontinent join together to assure their mutual peace and security as well as their mutual prosperity.[8]

Instances of Soviet partisanship made themselves felt in abstentions and not in vetoes, as on so conciliatory a resolution as that which instructed the United Nations representative to continue his efforts to bring the parties to agree to demilitarization.[9] This step must be interpreted as pro-Indian, since demilitarization was demanded more stridently by Pakistan and minimized by India.

Clearly, Soviet policy sought new tactics after 1951 without, however, yet disrupting the concert. Malik denounced the Anglo-American role in the Security Council mediation effort as an attempt to prevent a solution and to turn Kashmir into an "imperialist base." Both Karachi and New Delhi were declared the victims of a Western conspiracy to reestablish colonialism through the United Nations. As Indian Communists repeated these charges, one of their spokesmen wrote:

> Imperialism has used the Kashmir dispute as its most important weapon to beat down the governments [of India and Pakistan] and to force both to line up quietly behind its criminal policies and war-plans. A just and peaceful solution of the Kashmir problem is, therefore, not only the essential prerequisite to peaceful and friendly relations between India and Pakistan. It is also the essential prerequisite in any struggle to extricate the Indian and Pakistan governments from the reactionary Anglo-American bloc and its plans for war.[10]

Yet the Soviet delegate on the Security Council retained his correct and aloof attitude as far as the merits of the dispute are concerned. He confined himself to denouncing the West but offered no vetoes and carefully refrained from favoring either party. At the same time, of course, Communists continued to play a very large role in Kashmiri politics, generally favoring an autonomous Kashmir and supporting the Indian position only when strong United Nations pressure seemed imminent.[11] And since 1951 the Soviet position seems to have swung closer and closer to the Indian.

In the meantime, the conclusion of the United States-Pakistan arms agree-

[8] Ernest A. Gross in the Security Council, December 5, 1952; *Department of State Bulletin*, Vol. 27, pp. 1028–32, (Dec. 29, 1952).

[9] Security Council, 566th Meeting, November 10, 1951.

[10] Rajbans Krishen, *Kashmir and the Conspiracy Against Peace* (Bombay, 1951), pp. 107–8. Cited with much other interesting material in Merrill C. Goodall, "Soviet Policy in India: Some Postwar Trends," *Journal of International Affairs*, Vol. 8, pp. 43 ff., at pp. 45–46 (1954).

[11] See Korbel, "Danger in Kashmir" (cited in note 7) for documentation on this point.

ment may well imply a more energetic pro-Pakistan policy on the part of Washington. While the concert has not yet disintegrated with respect to Kashmir, the policy considerations impelling the action of the permanent members of the Security Council seem to tend in the direction of disintegration. What remains of significance nevertheless is the fact that the practice of collective security through the concert has proved possible despite—and in part because of—the Cold War. The very positions occupied by the super-powers globally, their desire to make friends and influence people in Asia, have so far propelled them in the direction of truce, pacific settlement, and neutrality in Kashmir. Each for its own reasons, therefore, found it desirable to act roughly as the Charter indicates.

The crises in Palestine and Indonesia illustrate another aspect of this thesis. If major policy considerations led to neutrality with respect to the merits of the dispute in Kashmir, the same considerations led the super-powers to support identical parties at the crucial juncture in the remaining two disputes. The case of Indonesia is the simpler one. During the initial phases of the dispute there was no semblance of a concert, with France and Britain supporting the Netherlands, China and the Soviet Union backing the Indonesians, and the United States refusing to commit itself clearly. The resolutions which passed the Security Council prior to the second Dutch police action accordingly lacked firmness. Decisive Security Council intervention came only after the second Dutch police action, when all the major powers joined in denouncing the Netherlands, and the United States went so far as to block Marshall Plan funds for the East Indies in an effort to coerce the Dutch. In terms of the concert of power the story of collective security in Indonesia merely illustrates that united action became possible when all the permanent members, for reasons peculiar to each, decided to back the Indonesians. Until that point the absence of a concert was plainly illustrated by—and resulted in—the inactivity of the Security Council.

The case of Palestine in its early stages bears a strong resemblance to the Indonesian effort, while the later developments are more akin to those in Kashmir. The concert moved from initial commitment to the Israeli side in 1948 and 1949 to a Western ambivalence contrasted with Soviet adherence to the Arab side by 1954. The pro-Israeli orientation of the major powers was made apparent in their backing of the General Assembly's partition scheme, in their endorsement of the Security Council's efforts to secure the Jewish state by the cease-fire and stand-still orders, and their prompt recognition of the Israeli government. The same trend continued to prevail late in 1948 and throughout 1949, with Israel being permitted to retain areas conquered by her forces beyond the boundaries fixed by the General Assembly and no United Nations action being voted to compel Israel to implement the organization's resolutions on Jerusalem and the Arab refugees. The concert functioned because both superpowers supported the same party during the crucial period in which the United Nations truce supervision organization was set up.

Curiously, a change in Soviet policy failed to bring with it a collapse of the *ad hoc* concert on Palestine. While Communist leaders inveighed against Zion-

ism and cosmopolitanism at home, a policy of open criticism of Israel was adopted. In the Security Council, however, a resolution calling upon Egypt to cease its blockade of Israel-bound traffic in the Suez Canal was not vetoed. Further, in the 1951 controversy over drainage rights around Lake Hulah the Soviet delegate failed to block a resolution slightly favorable to Israel. And even the debate on the Kibya incident of October, 1953 failed to arouse Soviet interest; the Soviet delegate abstained on the vote censuring Israel, and the *New York Times* reports that "the Soviet delegation had remained silent throughout the long debate. The reasons for its abstention were not disclosed."[12]

In any event, a confluence of Western and Soviet policy made possible the continuation of the concert until the end of 1953. As Moscow turned pro-Arab, the West reduced its support of Israel. While Mr. Dulles declared that the United States would not "hesitate by every appropriate means to use its influence to promote a step-by-step reduction of tension," the State Department, after the Israeli raid at Kibya, deplored the loss of life, expressed "deepest sympathy," and spoke of "shocking reports." Further it demanded that "those responsible should be brought to account and . . . effective measures should be taken to prevent such incidents in the future."[13] France, Britain, and the United States joined in demanding a vote of censure against Israel in the Security Council. Two days later Washington suspended the release of Mutual Security Program funds to Israel, pending the latter's obeying an order of General Bennike, United Nations Truce Supervisor, to halt drainage activities in the Lake Hulah area. " . . . As long as the State of Israel was acting in defiance of that decision, it was questionable at least as to whether we should make the allocation," noted the Department.[14]

Still the concert functioned. Neither bloc lived up to the oral positions taken initially, as shown by the mild form of the resolution censuring Israel. While the Jerusalem government was admonished to carry out past resolutions and abstain from further raids, nothing was said about reparations or punishment of those who were responsible for the foray. American ambivalence on the Palestinian issue was underscored further when M.S.A. activities were resumed on October 28, 1953.

It was during 1954 that the *ad hoc* concert came to an end, as Western policy continued ambivalent while the Soviet attitude turned openly pro-Arab. No decision on the rival Syrian and Israeli claims over the Lake Hulah drainage dispute was possible, since even the western-sponsored compromise formula of leaving decisions to General Bennike met the first Soviet veto on Palestine. Stalemate became obvious when the Soviet delegate used his veto again in March to defeat a resolution calling on Egypt to remove obstacles to Israel-bound traffic in the Suez Canal. On the basis of these developments it may well

[12] *New York Times*, Nov. 25, 1953.

[13] H. N. Howard, *The Development of United States Policy in the Near East, South Asia and Africa during 1953* (Department of State Publication 5432, Near and Middle East Series 15, Washington, April, 1954), p. 275, pp. 329–30.

[14] *Ibid.*, p. 330.

be expected that the Security Council will be unable to act in the event of renewed fighting in the unstable Palestine area.

The comparison of conduct and concept thus indicates that the absence of a general concert has by no means implied the absolute failure of the concert principle in collective security. On the contrary, the very forces set loose by the Cold War have promoted the formation of a series of *ad hoc* concerts. The need for neutrality in Kashmir and the desire to placate Israel and Indonesia have persuaded the chief global antagonists to use the United Nations much as the framers of the Charter had intended. Conversely, the fragmentation of big power interests in the Middle East carries with it the implication of future failure. Hence the concert of power as a concept of collective security cannot be written off entirely even during periods of global tension among the would-be members of the concert. It remains relevant analytically to situations not involving the interests of the super-powers directly and relating to areas uncommitted in the Cold War or unaffected by it. If, further, both super-powers would consider it impolitic to offend either of the parties to such a dispute or if both for their own reasons decide to favor the case of one party, the United Nations may witness the formation of new *ad hoc* concerts on the basis of such accidental confluences of interest and policy. But these constitute the limits under which an incompletely bipolarized Cold War world can rely on the peaceful influence of the concert principle.

III. PERMISSIVE ENFORCEMENT

The concept of permissive enforcement embraces the policies and procedures expressly developed to overcome the disintegration of the concert of power as a guarantor of collective security. It has found constitutional expression in a number of United Nations resolutions and the early phases of intervention in Korea demonstrate the concept in action. Yet in the standard categories of collective security no separate provision has so far been made for it, even though the assumptions underlying it, as well as the actions implicit in it, are quite distinct from either of the established categories. Statesmen refer to having "strengthened" or "perfected" the United Nations, or to having "deterred" aggression through the permissive enforcement principles embodied in the Korean decision of June 27, 1950 and in the Uniting for Peace Resolution. But the question of a generalized pattern of collective action under such precepts has attained little recognition beyond the policy level.

The striking and unique feature of permissive enforcement lies in the fact that it could be directed *against* one of the guarantors of collective security, under either of the established concepts. Its purpose is the mobilization of the United Nations membership, or a portion of it, against the expansive design of any member state, including a permanent member of the Security Council, i.e., against one of the super-powers and its global bloc.

It is hardly surprising that each of the major proposals for this kind of collective security owed its authorship to American initiative. In constitutional terms, each called for a new role for the General Assembly. The "Little Assem-

bly" scheme of 1947 was the first step in that direction, albeit a cautious and incomplete one.[15] The second American step toward making permissive enforcement the dominant concept of collective security was embodied in the abortive Thomas-Douglas Resolution of 1949.[16] The final—and successful—attempt is represented by the Uniting for Peace Resolution of 1950. If the Security Council proves unable to act because of the veto, the General Assembly would become the organ to administer collective security. It acquired the function of deciding that an act of aggression, a threat to the peace, or a breach of the peace had occurred and recommending collective measures against the aggressor. Its Peace Observation Commission is to investigate tension areas and its Collective Measures Committee took on the functions vested in the Military Staff Committee of the Security Council under the Charter.

Despite Soviet and other charges that the resolution is illegal under the Charter, such is not the case. Articles 10, 11, 12, 13, and 14 clearly provide the General Assembly with ample rights to discuss, hear reports, study, and make recommendations to member states on any security issue. The crucial terms are "make recommendations" and "recommend." These are the key to the permissive nature of the collective security implied by the Resolution. After all, a recommendation is neither an order nor a decision; it lacks any binding force vis-à-vis member states. Further, the Uniting for Peace Resolution is not a Charter amendment and must therefore be presumed to operate under the authority of Articles 10–14. It follows that collective action voted under this concept remains merely a recommendation addressed to the membership, which is free to implement it or to do nothing. Enforcement is therefore permissive and in no sense mandatory.

The implications of the permissive enforcement concept may now be stated. Clearly, it is intended to make possible, not necessarily United Nations action, but United Nations-*authorized* measures against any violator of the Charter's Article 39, including the Soviet Union or one of its satellites. It implies the delegation of power to those member states which are willing to use their armed forces rather than the involvement of the organization directly. Emphasis is placed on the use of collective measures and on advance preparation of the membership to fight rather than to negotiate. It implies, in short, the maximization of enforcement despite the absence of a concert. A major power operating under the concept of permissive enforcement may expect to be given permission by the United Nations to undertake military and economic measures against an aggressor and thus justify its national policy in terms of global symbols. The same possibility remains open to a regional system seeking authorization to use force.

The initial phases of the Korean conflict provide the classical case study of permissive enforcement in action, even prior to the formal acceptance of the

[15] See D. W. Coster, "The Interim Committee of the General Assembly," *International Organization*, Vol. 3, pp. 444–58 (Aug., 1949).

[16] Paul H. Douglas, "United to Enforce Peace," *Foreign Affairs*, Vol. 30, pp. 1–16 (Oct., 1951).

Uniting for Peace Resolution. They also demonstrate, however, the implications of delegating power in the political as well as in the military realm. And in the last analysis the case study begs the question of the "collective" nature of this type of security operation. Hence an examination of the United Nations activity in Korea prior to the Assembly's discussion of Communist China in December of 1950 will be relevant.

Even the Security Council's resolutions of June 25 and 27, 1950, and the subsequent key resolution of July 7, 1950 stress the permissive nature of the entire action. The earlier resolutions found that a breach of the peace had taken place, ordered the invading troops to withdraw and on June 27 *recommended* that members "furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."[17] The nature of the assistance was left entirely to the individual members, thus in effect authorizing retroactively the commitment of American forces which had been decided in Washington on June 26. The establishment of the Unified Command on July 7 merely recognized the American-led nature of the collective intervention. The United States Far East Command, which had controlled the American forces committed in Korea from the first, was in fact transformed into an agent of the Security Council. Other United Nations members who had committed or promised forces "agreed that all orders, directives and policies of the United Nations Commander would be accepted and carried out, and that in the event of disagreement, formal protests might be presented subsequently."[18]

How "collective" was the United Nations effort to protect South Korea and to punish North Korean aggression? Again the permissive nature of the proceedings is obvious. Only sixteen member states actually contributed land, naval, and air forces. Of these, twelve belonged to the NATO-Commonwealth bloc, three were Asian and African states, and one adhered to the Latin-American bloc. Quantitatively speaking 90 per cent of the total non-Korean commitment was American. The attitude of the non-participating members varied from complete endorsement to complete opposition. The Latin-American bloc cheered the United Nations effort and was later to demand even more energetic action; but it had no forces to contribute. In marked contrast, the nations of the Arab-Asian bloc remained rather cool toward the collective action and tended to demand conciliation instead of enforcement, while the Soviet bloc, of course, denounced the entire proceedings as illegal and aggressive.

Numerically the case for the collective nature of United Nations action is not a strong one, especially because the overwhelming preponderance of the support did not come from a representative sample of the entire membership but was derived largely from two Western regional systems. Certain important measures of the Far East Command, moreover, received no, or at best very

[17] *U. N. Doc.* S/1511, 27 June 1950. Cited in Leland M. Goodrich, "Korea: Collective Measures against Aggression," *International Conciliation*, no. 494, pp. 131–92, at p. 143 (Oct., 1953).

[18] Goodrich, p. 158.

ambiguous, authorization from the United Nations. Thus the campaign toward and along the Yalu River in the fall and winter of 1950 "was viewed by other members as a serious provocation to the Chinese and the kind of action they had hoped to avoid."[19] However, indications by Washington that the atom bomb might be used in Manchuria brought vigorous protests by Britain; the demand that the doctrine of "hot pursuit" be so interpreted as to permit United Nations aircraft to fly and fight over Manchuria was opposed and turned down by key nations in the group of the Sixteen.[20] In terms of curbing inclinations toward unilateralism on the part of the chief United Nations agent, therefore, the Korean action did possess a collective character.

With the exception of the dramatic episodes cited, however, the delegation of military power to one strong state or even a group of states lays bare certain vital concomitants of the permissive enforcement principle. Goodrich notes that

> the organization of command down to the service level would have been no different if the United Nations force had been a purely United States force. The subsequent addition to the staff of the United Nations Commander of a Commonwealth Deputy Chief of Staff did not affect the fact of United States operational control.[21]

In view of the quantitative position of American forces this situation must be considered normal in any permissive undertaking of this kind. In the realm of economic measures taken against North Korea and China much the same picture obtained. To be sure, the General Assembly passed a resolution providing for an embargo on "arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition, and implements of war."[22] But the implementation of the resolution was, of course, voluntary and left full discretionary power to the individual member states. When it came to coordinating such military and economic steps as the members were willing to take, the United Nations again abdicated to its agent. There was almost no central direction or coordination of the "collective" effort. "To the extent that coordination was attempted, and there is evidence that it was undertaken with considerable vigor and some effectiveness, it was done by the United States government."[23]

If military operations were largely delegated to the agent in the permissive enforcement effort, political direction was somewhat more diffused. By November, 1950, the nations with forces in Korea had constituted themselves into a permanent Committee of Sixteen, with regular weekly conferences in Washington. United States leadership and plans dominated and the sessions were briefings rather than consultations. But key members of the Committee nevertheless influenced American policy after the Chinese intervention in the conflict. Thus it may be surmised that the removal of General MacArthur from the Far East Command was at least influenced by these consultations. The political

[19] *Ibid.*, p. 169. [20] *Ibid.*, p. 167. [21] *Ibid.*, p. 162.
[22] General Assembly Resolution 500 (v), 18 May 1951; Goodrich, pp. 154–55.
[23] *Ibid.*, p. 156.

initiative of the General Assembly became especially striking after the withdrawal of the remaining North Korean forces from South Korea in October, 1950. The Unified Command, supported by Washington, wished to pursue the defeated forces into their own territory and incidentally bring about the unification of Korea, which had been advocated by the United Nations ever since 1947. "With some reluctance" the General Assembly approved this plan in its resolution of October 7.[24] But the reluctance was shown in the sentiment expressed by Canada's Lester B. Pearson, who argued that collective measures had been undertaken "for no other purpose than to help repel aggression. . . . We would be opposed to any attempt to interpret existing United Nations objectives as including the unification of Korea by force."[25] Still American initiative continued to carry the day at the United Nations, until the entry of China changed the picture and introduced an entirely new pattern in the collective security process.

From the experiences of permissive enforcement in Korea, it seems safe to conclude that the agent in the action tends to control the military portions of the effort. If he has less formal control over the political direction, it remains true nevertheless that military operations can create situations leaving almost no political alternative to the United Nations, as indeed happened in the ill-fated Yalu River campaign. Thus permissive enforcement provides a concept of collective security particularly well adapted to enlisting the principles and symbols of the United Nations on behalf of the West in the Cold War. This is stressed by Secretary of State Dulles, who insists that such regional structures as NATO and the OAS "show the growing acceptance of the collective security concept we describe."[26] He mentions the United Nations and the Uniting for Peace Resolution only secondarily, stressing regional military might and "local defensive strength . . . reinforced by more mobile deterrent power."[27] Universal collective security principles and procedures, by implication, are to be applied only to authorize and justify the regional or bilateral steps to be taken. Since the Secretary minimizes the use of nuclear weapons on Chinese and Russian targets in such an action, he seems to be thinking of future local wars in Asia or collective security of the Korean prototype.

The successful mobilization of the permissive enforcement concept in such a setting, however, cannot be assumed automatically merely because it functioned in Korea. It demands that at least two-thirds of the membership endorse a future American claim for authority to carry out a delegated enforcement effort. Post-Uniting for Peace Resolution processes at the United Nations have

[24] *Ibid.*, p. 173. [25] *Ibid.*, p. 174.

[26] John Foster Dulles, "Policy for Security and Peace," *Foreign Affairs*, Vol. 32, pp. 353–64, at p. 356 (April, 1954). Similar British evaluations may be found in Jebb, "The Free World and the United Nations" (cited in note 6), p. 511.

[27] Dulles, "Policy for Security and Peace," pp. 358 ff. Emphasis is placed on this aspect of American declarations despite an obvious ambivalence on the question of local wars and nuclear weapons. "Massive retaliation" against the centers of communist power, while under discussion at the same time, seems nevertheless to have been de-emphasized in official thinking.

given far from clear support to the existence of such a sentiment, as may become plain from an examination of two issues relating to permissive enforcement, both of them an outgrowth of the Korean crisis.

The first major test of the concept was the American-sponsored effort in the fifth session of the General Assembly to brand Communist China an aggressor. The debate was complicated by the simultaneous efforts of the three-nation mediation commission of the Assembly to negotiate directly with Peiping for a cease-fire. Thus it highlights the different procedures and policy aims represented by the primacy of enforcement on the one hand and the superiority of pacific settlement on the other. The issue under debate was, essentially, whether China should be designated as an aggressor and additional measures—military, economic, and diplomatic—taken against her, or whether the chances for a negotiated settlement should be explored further either by calling a Far East Conference, or through specific suggestions to Peiping, or both.

The United States, Nationalist China, and the bulk of the Latin-American delegations defended condemnation as the cornerstone of collective security through enforcement; or, in the words of Uruguay, "the fight on behalf of that principle should now be re-enforced."[28] Greece and Turkey agreed while General Romulo likened any further efforts at conciliation to the Lytton Commission and "wondered what former Secretary of State Stimson, if he were still alive, would have to say to the Lord Lyttons of today."[29]

The majority of the Western European and older Commonwealth states took a different position. They were willing to denounce Peiping and consider additional measures, but only *after* all avenues of conciliation had been exhausted. And even then, they urged, the door must be left open to negotiations. Thus the Norwegian delegate felt that the Korean war, fought under the Charter, "was nevertheless a war attended by death and destruction affecting combatants and non-combatants alike. Under those circumstances, it was imperative that the United Nations, like any single government involved in a war, should make every effort to arrive at an honorable and peaceful settlement. Such an effort should not be regarded as appeasement."[30] And the extreme pro-conciliation position was taken by twelve Arab-Asian states who opposed additional measures and overt condemnation of Peiping. India, then as later engaged in private approaches to the Peiping regime, led this group. Its position, however, was weakened by policies such as Lebanon's and Iraq's which seemed to favor some show of determination against China, if no obstacles to further negotiations seemed implied.

An Arab-Asian resolution postponing United Nations action until further mediation efforts were exhausted failed by a vote of 28 to 17, with 13 abstentions coming apparently largely from the NATO bloc. However, the American resolution was passed only after Britain, France, and Lebanon had extracted

[28] United Nations, Official Records of the General Assembly, 5th sess. First Committee, *Summary Records of Meetings*, Vol. 2, 3 Jan.–17 May, 1951. 424th Meeting, 13 Jan., p. 489.
[29] *Ibid.*, 431st Meeting, 25 Jan. 1951, p. 548.
[30] *Ibid.*, 422nd Meeting, 11 Jan. 1951, p. 475.

a statement from Ambassador Austin that the insistence on additional measures was to be interpreted as being *subordinate* to continued conciliation efforts by the Cease-Fire Group.[31] Further assurances that no additional powers were to be given to the Unified Command were obtained and all these concessions were then incorporated into the American draft resolution. It passed by a vote of 44 to 7, with eight Arab-Asian states, Sweden, and Yugoslavia abstaining. Permissive enforcement had won a Pyrrhic victory; the denunciation of China failed to be accompanied by firm and clear enforcement directives; pacific settlement had been inserted in their place. As Sir Gladwyn Jebb noted in the plenary meeting devoted to passing the resolution: "We attach primary importance to the work of the good offices committee. . . . My government has the utmost confidence that the President will lose no time in appointing the two other members of the group, so that it may be able to start work forthwith. . . ."[32]

The activities of the Collective Measures Committee provide a further test of the acceptance of permissive enforcement. In its three reports, the Committee recommended, among other things, that member states set apart specific contingents of their armed forces for international duty, that a permanent coordinating machinery for economic and military cooperation be created and that a panel of military experts as well as an United Nations Volunteer Reserve be set up by the Secretary-General. Not only was the first report amended most critically by the Latin Americans and opposed by India, but both the coordinating machinery and the military bodies remain to be set up. Finally, only twenty-odd governments chose to reply to questions as to what elements of their armed forces they would be willing to earmark for United Nations duty, and of those only Norway gave any indication of willingness. "I do not want to imply that the Collective Measures Committee's work is of little value," said Sir Gladwyn Jebb. "But given the reluctance of many states to align themselves with either party on the main issue dividing the Great Powers, it would be unrealistic to expect too much from the Committee's work and possibly harmful to press it very much further than it has already gone."[33] The former British delegate believes that permissive enforcement is amply served if the use of the United Nations flag is authorized by the Assembly and if some coordination machinery is created: "More than this the United Nations cannot effectively do."[34] Despite this reluctance, American delegates continue to press for the full implementation of the Committee's recommendations.

The comparison of the concept with the practices of permissive enforcement, then, reveals successful delegation of power to the United States during the first six months of the Korean struggle and an increasing reluctance to such delegation after that point. It further revealed an unwillingness to perfect the

[31] *Ibid.*, pp. 570, 577.

[32] United Nations, Official Records of the General Assembly, 5th Sess., *Plenary Meetings*, Vol. 2; 327th Meeting, 1 Feb. 1951, p. 692.

[33] Jebb, "The Free World and the United Nations" (cited in note 6), p. 513.

[34] *Ibid.*, p. 520.

techniques associated with permissive enforcement, as demonstrated in the vague nature of the recommendations of the Collective Measures Committee and the even vaguer reception accorded these suggestions by the membership.

Clearly, permissive enforcement requires a sense of urgency, if not emergency, in order that power will be delegated in the future. In policy terms, it calls for a high sense of global identity with the anti-communist aims of the United States. Madame Pandit, by contrast, had this to say about collective measures:

> The Indian delegation considered there were no international problems, however complex, which could not be settled by peaceful negotiation. The United Nations should devote itself to the study of measures for the peaceful settlement and conciliation of disputes. . . . It was more urgent and more constructive than the study of coercive measures.[35]

The Indian position enjoys support from over a dozen other Arab-Asian states. Together with the Soviet bloc and the dissenting NATO members, they may suffice to deprive the United States of the two-thirds majority needed to make permissive enforcement effective. As far as the use of the concept in the implementation of United States policy is concerned, it appears that the limits of permissive enforcement have already been reached. It seems clear that on security issues alone, the United States can count on the wholehearted support of only the Latin-American bloc, Nationalist China, Ethiopia, the Philippines, Greece, Turkey, Liberia, and usually Thailand. NATO and Commonwealth support has to be purchased at the cost of concessions, usually in the realm of negotiation and pacific settlement. It may well be doubted, therefore, that the Uniting for Peace Resolution has "strengthened" the enforcement aspect of the United Nations, at least in the present round of the Cold War.

The essential feature of permissive enforcement in the study of principles of collective security, however, is the growth of the balancing concept to which it has given rise. The determination of the United States to create and retain a viable majority has entailed the growth of an equally determined bloc anxious to restrain these American efforts. Since permissive enforcement implies the search for friends and allies, it has resulted in a process of bargaining and holding out. There has thus developed a "balancing process" at the United Nations since 1951, which appears to be the analytical key to contemporary collective security practices.

IV. BALANCING AND COLLECTIVE SECURITY

Collective security, through delegated enforcement action, is the essence of permissive enforcement; involvement of the United Nations in the Cold War is its chief implication. The concept of balancing, by contrast, calls for using the United Nations as an agency for ameliorating the Cold War and for inducing the two chief antagonists to accept compromise solutions to tension-laden problems. Using the forum of the universal organization as an agency of conciliation and mediation is the chief technique of balancing. This approach differs from

[35] United Nations, Official Records of the General Assembly, 7th Sess., First Committee, *Summary Records of Meetings;* 575th Meeting, 12 March 1953, p. 454.

the concert of power in that it takes the Cold War for granted. Consequently, both pacific settlement and enforcement through the Security Council are minimized in the sense of calling for big power unity. The concept, instead, hinges on a balancing process among the members because it takes its departure from the *de facto* polarization of the nations around a pro-American, a pro-Soviet, and an uncommitted focus. The efforts of the uncommitted bloc or blocs provide the initiative to which the two antagonists have to adjust, thus setting up a pattern of compromise. Balancing of influence and power is of the essence in this process, since the conciliation efforts of the uncommitted bloc are likely to be taken seriously by the super-powers, not because of good will, but in order not to alienate allies or offend important neutrals.

Is it possible to maintain collective security through the operation of this concept? Is there any evidence that processes conforming to the type sketched are now unfolding? Before answering these questions it is necessary to state the modes of behavior which nations must follow in order to make balancing possible. Thus the United States is expected to oppose Soviet expansion, and perhaps even to flirt with liberation; certainly, balancing assumes that the United States will seek to mobilize United Nations organs and symbols on its behalf, through permissive enforcement procedures. The Soviet Union, equally naturally, is expected to oppose these attempts. The balancing concept of collective security depends on the belief that Soviet policy aims at preserving its present holdings, warding off Western attempts to "roll back" the Iron Curtain, and seeking further expansion by means of ideological appeal and subversion alone. The Kremlin, in short, is expected not to wish a major war. Participation in the United Nations would serve the aims of "unmasking" the "imperialist" designs of the West and preventing the formation of a United Nations alliance against communism through peace appeals to the fence-straddling portion of the membership.[36]

Further, balancing assumes that the Arab-Asian bloc, consistent with the Indian policy of "dynamic neutralism," will continue mediation and conciliation among the super-powers. Active non-alignment on the part of India, Burma, Indonesia, and the Arab countries will thus be supplemented with specific compromise proposals designed to ease tensions in such Cold War theaters as Korea or Indo-China. Borrowing the slightly misleading terminology of the classical European balance of power behavior pattern, the Arab-Asian bloc is expected to assume the role of the "balancer," a role contingent, of course, on the continuation of neutralist policies on its part.[37]

[36] For a development of this interpretation see Rupert Emerson and I. L. Claude, "The Soviet Union and the United Nations: An Essay in Interpretation," *International Organization*, Vol. 6, pp. 1–26 (Feb., 1952).

[37] This distribution of "roles" should not imply that the Soviet Union, India, and the United States take these positions on *all* security issues. Only issues relating to the Cold War—a rather comprehensive category—can be so treated. For an interesting development of this in terms of national interest assessments see Richard N. Rosecrance, "The United States, India, and World Organization," *Harvard Studies in International Affairs*, Vol. 4, pp. 51–63 (Feb., 1954).

But the Arab-Asian bloc is not the only possible balancer in the pattern. A similar role may accrue to the NATO allies of the United States. Differences of degree with respect to the magnitude of anti-communist policies acquire the function of watering down the American claim for leadership in the permissive enforcement realm. Because the United States prefers to move in concert with its NATO partners, the views of these nations must be considered. This process of intra-NATO compromising has the net result of reducing American claims of what is expected from the United Nations. While non-alignment or neutralism are terms too strong to characterize the role of Western Europe and Canada in the balancing process, some opposition to American leadership is assumed nonetheless.

Finally, the modes of behavior on which balancing must depend include a certain "built-in" restraint among the super-powers themselves. If they should wish to forego the advantages of having their national policies approved by the General Assembly, balancing would come to a speedy end. We must assume, therefore, that Moscow does not wish to be branded an aggressor or an obvious violator of the Charter. Similarily, Washington is presumed not to desire being known as a notorious "unilateralist." Indeed, the settlement of the Iranian dispute in 1946 supports this contention with respect to the Soviets, as does Korea with respect to the United States.[38] In Iran, Soviet compliance with the extremely mild Security Council resolutions and actions, amounting in the last analysis to little more than keeping the issue on the agenda despite the withdrawal of the initial charges, suggests Russian unwillingness to risk open international opprobrium.

That the policies of states and blocs in the United Nations correspond to this distribution of roles in the present act of the Cold War is evident. India and the Arab-Asian states generally continue to oppose permissive enforcement and a State Department official observes that "the Arab-Asian states have been among the strongest advocates of East-West rapprochement."[39] They have consistently urged more conferences and consultations among the superpowers and have fought the introduction of major East-West issues into the United Nations. Within NATO, Britain and Canada have demonstrated time and again their opposition to the American reliance on United Nations enforcement. As Lester Pearson pointed out, "the United Nations is an agency for the conciliation of political disputes and for the organization of collective action against established aggression, when all methods of mediation and conciliation have been exhausted."[40] The priority of aims is especially significant in view of

[38] See Richard W. Van Wagenen, *The Iranian Case 1946* (New York: Carnegie Endowment for International Peace, United Nations Action Series, Case History no. 2, 1952), pp. 92 ff.

[39] Harry N. Howard, "The Arab-Asian States in the United Nations," *Middle East Journal*, Vol. 7, pp. 279–92, at p. 284 (Summer, 1953). See also C. Kondapi, "Indian Opinion of the United Nations," *International Organization*, Vol. 5, pp. 709–21 (Nov., 1951).

[40] Canada, Department of External Affairs, *Canada and the United Nations, 1951–1952* (Ottawa, 1952) pp. viii ff.

the fact that in American assessments the reverse emphasis is featured.[41] As if to dissipate this impression, Benjamin V. Cohen, in praising the first report of the Collective Measures Committee, observed that "Some have expressed the fear that by emphasizing . . . collective measures we are in some sense detracting from pacific settlement. My Government regards pacific settlement and collective measures as inseparable parts of collective security under the Charter."[42] Putting these two facets on a plane of equality with one another, however, is far from meeting the Arab-Asian and British claims for the predominance of pacific settlement. Recognition of the existence of a balancing process has by no means implied an American retreat from the preference for permissive enforcement.

A case study of balancing in operation is furnished by the Seventh Session of the General Assembly and the discussion of the Indian proposals for a Korean truce. The negotiations at Panmunjom were stalemated on the question of prisoner repatriation, the Communists holding out for unconditional repatriation to the country of origin and the West insisting on voluntary repatriation. The propaganda position of each bloc was identified with its principle of prisoner treatment; the issue threatened to prevent a Korean armistice.

The United States, together with twenty of its allies, sought to buttress its position in the United Nations by introducing a resolution which was based on "The rights of all prisoners of war to an unrestricted opportunity to be repatriated and [avoiding] the use of force in their repatriation."[43] At the same time, however, the American delegation encouraged the Indians to interest themselves in a compromise solution to the issue.[44] Perhaps the initial resolution was no more than a bargaining device.

The Soviet Union introduced a resolution advocating the unification of Korea and did not even refer to the prisoner issue. Interestingly enough, the Russians proposed the creation of a United Nations Korean commission to be composed of six belligerents and five member states which had not participated in the hostilities, "neutrals" for Korean purposes. The principle of "neutral" interloping was on its way toward recognition. At the same time "the Russians appear to have thrown out a feeler that the Asian nations should take the initiative in bringing the Korean fighting to an end."[45]

Thus encouraged, and with previous instructions to intervene, perhaps even approved by Britain and Canada, the Indian delegation set to work on pro-

[41] *U. S. Participation in the United Nations*, Report by the President to the Congress for the Year 1952 (Department of State, International Organization and Conference Series III, 90; Washington, 1953), p. 16, p. 55.

[42] Benjamin V. Cohen "Collective Security Under Law," *Department of State Bulletin*, Vol. 26, p. 102 (Jan. 21, 1952).

[43] U. N. Doc A/C.1/725, 24 Oct. 1952, par. 8.

[44] *Indian Press Digest*, Vol. 2, p. 4, (March, 1954). This issue of the *Digest* contains a complete chronology of events in this crisis, based on an extensive use of Indian press sources and United Nations documents. It is the basis of my discussion.

[45] *The Hindu*, Oct. 30, 1952; cited in *ibid.*, p. 5.

posals to mediate in a typical Cold War situation.[46] Behind-the-scenes negotiations thrived. The Arab-Asian bloc sought to draft a resolution combining the elements common to the Soviet and American approaches, and India communicated this draft to Peiping. Further encouraged by a cautiously cooperative reply from China, V. K. Krishna Menon on November 17, 1952 introduced the Indian compromise plan. It provided for the creation of a Neutral Nations Prisoner Repatriation Commission to ascertain the prisoners' desires, to remove them from the custody of their captors, and to guarantee a violence-free atmosphere for prisoner screening and processing. The resolution failed to provide for a clear cease-fire in Korea and put no time limit on the screening operations.[47]

The balancing process now got underway, with the first round resulting in a complete reversal of initial positions, acceptance by one side and rejection by the other. The United States almost immediately rejected the Indian scheme because it was too vague, did not clearly recognize voluntary repatriation, and provided no time limit for the procedures envisaged. Yet the United States was apparently persuaded by its allies to study the proposal further, and a committee of the NATO-ANZUS bloc took the resolution under advisement.[48] Peiping informed India that it was interested in the proposals and Vyshinsky considered it a "serious basis for discussion." India now revised her plan by putting a time limit on the screening process and spelling out the procedure for the proposed commission, while Britain argued openly for the adoption of the scheme. Apparently afraid that the "peace initiative" was passing into Western hands, Vyshinsky now amended his own resolution by demanding an immediate cease-fire as a condition for further negotiations, and the Soviets began a policy of denouncing the Indian resolution as inadequate and pro-western.[49] Only on the following day did New Delhi receive a communication from Peiping indicating Chinese inability to accept the neutral proposal. Dean Acheson, on the other hand, now considered India's plan a "most important and statesmanlike effort" and promised American support for it![50]

The second round in the process involved an attempted switch in roles once more and ended with the acceptance of the compromise formula by both sides. Following communist rejection of the scheme, Krishna Menon indicated his desire to "clarify" the proposals, for the benefit of Peiping; Vyshinsky even hinted that if India would only accept his demand for an immediate cease-fire, "you can call on us to approve your resolution."[51] Krishna Menon argued that a cease-fire was implicit in his proposals and needed no special statement; he refused to accept any amendments and pressed for a vote, holding in effect that his resolution met the aim of non-forcible repatriation and assured a

[46] "India would not have undertaken the task unless one of the major Powers was prepared to stand by her in he efforts to break the deadlock. The London-New Delhi axis is the strongest guarantee for success of the effort" (*Hindustan Times*, Nov. 25, 1952), *ibid.*, p. 12.

[47] U. N. Doc. A/C.1/734, revised 23 and 26 Nov. and 3 Dec. 1952.

[48] *Digest* (cited in note 44), pp. 8–9. [49] *Ibid.*, pp. 13–14.

[50] *Ibid.*, p. 14. [51] *Ibid.*, p. 19.

screening process free from intimidation and pressure. The resolution passed the First Committee by a vote of 53 to 5, with Nationalist China abstaining. Two weeks later the Peiping regime once more flatly refused to consider the resolution as a basis for further negotiation.

There matters seemed to rest, with the West on record as favoring conciliation and neutral supervision over a Cold War dispute and the Communists in opposition. Yet in mid-May of 1953, the Unified Command advanced a new formula at Panmunjom which seemed to violate the General Assembly resolution. All Korean prisoners were to be released immediately upon the signing of a truce, thus sidestepping the Neutral Nations Repatriation Commission. To immediate Canadian requests for "clarification," Washington answered that "the Indian plan never had been before the negotiators at Panmunjom because it had been rejected by the Communists."[52] Nevertheless, and probably as a result of allied pressure, the Unified Command dropped this scheme and on June 8 went back to the United Nations plan. And later that month, Moscow and Peiping agreed to conclude an armistice on the same basis. Committed to a peace offensive by that time, the communist governments apparently considered the scheme as the most painless way out of the Korean stalemate.

In terms of collective security practices, the success of the Indian-sponsored balancing operation spells the possible advent of a new set of principles. The concept of permissive enforcement, expressed in the determination to halt and punish aggression, gave way to negotiation between the belligerents, in the form of the long and weary truce talks at Panmunjom. Punishment of the aggressor yielded to discussion with him. When these procedures proved to be inconclusive, a "third force" in the United Nations, composed of the Arab-Asian bloc and segments of the NATO group, went on to mediation and conciliation. The enforcement action, then, ended with two "neutral" commissions supervising the armistice terms and acting as a buffer between the contestants. Thus it may well be asked what the role of the United Nations was. Did it consist of restraining aggression or of making peace between the law breaker and his opponents? Was the United Nations symbol enlisted in support of collective measures or behind mediation and conciliation?

Clearly, the United Nations fulfilled both functions, rather sharply differentiated in time. Initially the enforcement concept was triumphant. After 1951 pacific settlement, negotiation, neutral supervision, and a minimization of hostilities at all cost carried away the victory. This in turn proved possible only because serious rifts had developed among the enforcing nations and because the avowedly neutral bloc advanced proposals which could not be rejected without incurring the onus of blocking peace. Balancing thus operates in the United Nations in the sense that the super-powers are restrained by the necessity of catering to these sentiments. Conciliation becomes the function of the "balancer" groups within the organization, compelling a redirection of the col-

[52] Norman Altstedter, "Problems of Coalition Diplomacy: the Korean Experience," *International Journal*, Vol. 8, pp. 256–65, at p. 263 (Autumn, 1953).

lective security thinking into channels alien to the earlier concepts. As a concept derived from the processes and operations underway within the United Nations framework, however, the limitations implicit in it should never be ignored. Balancing assumes that the United Nations "roles" played by the various "actors" at the moment acquire some degree of permanence. Their present foreign policies cannot undergo radical change without upsetting the operational underpinnings of the concept.

"Collective security will not work if every policing operation initiates a world war," comments Quincy Wright.[53] The choice between permissive enforcement and balancing is also the choice between a United Nations dedicated to the West's victory over communism or a world organization which seeks to avoid war between the two camps through neutral intercession. In the first case, the universal character of the United Nations would almost certainly give way to a rump organization. In the alternative case, however, the symbolic significance of General Assembly resolutions might be such as to create new patterns of expectation and conduct on the part of governments, seeking a mitigation of tensions through the kind of multilateral diplomacy within the Charter framework which was displayed in the settlement of the Korean War.

V. CONCEPTS AND THEORY OF COLLECTIVE SECURITY

The elaboration of operationally-determined concepts of collective security implies a deliberately non-normative approach to the issue of peace. Collective security based either on universal moral obligations or on a concert of the powerful, while perhaps clearer in its ideological and normative assumptions than the alternatives here proposed, has not in fact flourished. In terms of world conditions, national policies, and the pattern of policy clashes at the United Nations, the established concepts explain little and permit almost no predictive analysis. A concert of power limited by the dominant forces of Cold War diplomacy, permissive enforcement and the concept of balancing, however, meets the tests of conceptual acceptability within the framework of the world conditions defined for them.

While it may be suggested that theories are made of concepts, the elaboration of operationally-derived principles of conduct by no means amounts to a complete theory. Because the concepts remain tied to specific world conditions they lack sufficient general applicability to serve as a theory of collective security. Taken together, they might be considered essential constituents of such an intellectual effort—depending on the validity of the analysis—but they still fail to measure up to a comprehensive theory which would purport to cover all modes of conduct and be capable of predicting with accuracy future patterns of behavior. Adding the alternatives here proposed would produce merely a compendium of finite experiences, but not an integrated body of propositions. And certainly no growth of norms of conduct can be easily associated with this effort at conceptualization.

[53] Quincy Wright, *Problems of Stability and Progress in International Relations* (Berkeley, 1954), p. 105. See also his argument on this point generally at p. 53.

Yet degrees of relevance to a general theory of collective security can be imputed into the alternative concepts discussed. Thus *ad hoc* concerts of power depend essentially on accidental confluences of policy among the major powers, an unstable and unreliable criterion which reduces the theoretical significance of the principle. Permissive enforcement involves the willingness—perhaps even the eagerness—of one great power to undertake military measures, depending however on the overwhelming willingness of the remaining United Nations members to underwrite and authorize the effort. A general sense of danger and an almost universal enthusiasm for common action are the prerequisites. In view of nuclear developments, less and less can be expected from this concept in terms of state conduct. Balancing thus remains the concept most relevant to a theoretical formulation of collective security in operational terms. The concept carries with it a number of implications for such a theory which remain to be made explicit.

Keeping in mind the severely limiting conditions imposed by the "roles" taken by the contemporary global blocs and their policies, the main virtue of the balancing concept remains the fact that it does not assume selfless behavior as the root of collective security. Thus many commentators argue against enlisting the United Nations for anti-communist purposes. Instead they advocate using it as a forum for the discussion and adjustment of American aims. "Such a policy is the reverse of one which treats the United Nations as an instrument of national policy. The latter policy is tempting, especially to powerful states, but unless the temptation is resisted, it will destroy the United Nations and the system of collective security."[54] In view of the Cold War, the temptation is unlikely to be resisted, however, and a theory of collective security therefore should not be based on the assumption of selfless motives. We must consequently seek a theory not predicated on selflessness but still capable of explaining the limited success of collective security principles.

In this quest, balancing again seems a useful concept since it transcends the age-old and unproductive conflict between "realism" and "idealism" in world organization. By focusing on national policy it incorporates motives and aims into its scope; by abstracting the resulting pattern from actual policy operations it takes the "is" for granted. True, the "ought" of firm normative principles is thereby pushed into the background. But to the extent that balancing imposes restraint and moderation upon the potential belligerents, the compulsion toward discussion and compromise within the General Assembly actually depends upon the symbolic importance imputed to the norms of the Charter, though they may be invoked for rhetorical purposes. Even rhetoric may restrain national policy if the overt violation of principles is expected to produce results undesirable for propaganda reasons.

Finally, some of the properties of world organization implied in the balancing concept may be put forward. Obviously, balancing operations are closer to traditional diplomacy, though within the procedural framework of the United

[54] *Ibid.*, p. 109.

Nations, than to the processes assumed by the Wilsonians. Universal collective measures, while remaining in the background, would give way to regional military strength and integration. United Nations efforts would develop into a process of mediation by a neutral "balancer" among the conflicting aims of antagonists. Instead of Security Council or Assembly inquiries and condemnations, closed conciliation efforts would flourish. Instead of enforcement, neutral truce supervision and plebiscite activities may become standard practices. Repeated successes in such operations might then have the cumulative effect of limiting freedom of national choice between unilateralism and multilateral compromise, implying the gradual establishment of balancing operations as the normal procedure for settling local manifestations of the Cold War. Regional self-defense would continue to thrive but the United Nations would, in effect, become the universal forum in which contending regional systems negotiate and compromise, thus making the United Nations the "balancer."

CONSTITUTIONAL LAW IN 1953–1954

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The membership of the Supreme Court remained unchanged during the 1953 Term. Chief Justice Vinson died on September 8, shortly before the opening of the Term.[1] Governor Earl Warren of California was given a recess appointment by President Eisenhower on October 2, and was sworn in as the fourteenth Chief Justice on October 5. The Senate Judiciary Committee moved slowly, however, and the appointment did not reach the Senate until March 1, 1954, when it was confirmed by a voice vote without opposition.

A week after the 1954 Term got under way Justice Robert H Jackson died, of a heart attack, on October 9, 1954, at the age of 62. For a man who had no law degree, Justice Jackson had done very well in the law. After a brilliant career as a lawyer in Jamestown, New York, he entered the government service in 1934 as General Counsel to the Bureau of Internal Revenue. He was appointed Solicitor-General in 1938, Attorney-General in 1940,[2] and was elevated to the Supreme Court by President Roosevelt in June, 1941. He served as chief American prosecutor at the Nürnberg trial of top Nazi war criminals.[3] Though appointed with the reputation of being a liberal New Dealer, Justice Jackson was actually close to the very center of the Court in many cases where the Justices were sharply divided.[4] He was one of the most gifted opinion-writers on the Court, with a flair for felicitous phrasing and well-turned epigrams. To take the place of Justice Jackson, President Eisenhower nominated, on November 8, 1954, Judge John Marshall Harlan, whom he had appointed the previous March to the Court of Appeals for the Second Circuit. Judge Harlan, once a successful New York lawyer, is the grandson of the Justice Harlan who served with such distinction from 1877 to 1911.[5]

A noteworthy event of the 1953 Term was the adoption by the Court, on April 12, 1954, of a set of Revised Rules, effective July 1, 1954.[6] Frederick Bernays Wiener, the Reporter to the Court's committee, has described the revision as "the most comprehensive ever made, in format, in arrangement, in

[1] For an evaluation of the work of Chief Justice Vinson, see the symposium in *Northwestern University Law Review*, Vol. 49, pp. 1–75 (March–April, 1954).

[2] See his book, *The Struggle for Judicial Supremacy* (New York, 1941).

[3] See *The Nürnberg Case as Presented by Robert H. Jackson* (New York, 1947).

[4] R. J. Steamer, "Mr. Justice Jackson and the First Amendment," *University of Pittsburgh Law Review*, Vol. 15, pp. 193–221 (Winter, 1954).

[5] See Note, "The Appointment of Mr. Justice Harlan," *Indiana Law Review*, Vol. 29, pp. 46–74 (Fall, 1953).

[6] 346 U.S. 949–1018. The last previous revision was promulgated on February 13, 1939, 306 U.S. 671–741.

context, and in the procedure of its formulation."[7] Justice Black filed a statement of protest.[8] While he agreed that some changes were desirable, he thought it would be better to amend the old rules rather than adopt a whole new set. His position was that everyone was familiar with the old rules and their interpretation by the Court, whereas he feared that "new rules without settled meanings breed mistakes and controversies that frequently make the w y of litigants unnecessarily perilous." He also argued that the new rules made appellate review more difficult by adding "unnecessarily burdensome conditions and restrictions on rights of review and appeal Congress has provided." Finally, he protested that the new rules made more difficult the filing of *amicus curiae* briefs, whereas he thought the rule governing this point should be relaxed, since "most of the cases before this Court involve matters that affect far more people than the immediate record parties."[9]

During the Term under review the controversy stirred up by Professor Crosskey's extraordinary study of the Constitution[10] continued its animated way in the law reviews.[11] Most of the writers seem to agree on two propositions: (1) Crosskey has written a remarkable book which has stirred the still waters of constitutional debate, and (2) Crosskey is fundamentally wrong. Especially noteworthy was the appearance of a much-needed and distinguished biography of Justice William Johnson, who served on the Court from 1804 to 1834,[12]

[7] "The Supreme Court's New Rules," *Harvard Law Review*, Vol. 68, pp. 20–94 (Nov., 1954). Robert L. Stern and Eugene Gressman have thoroughly revised their invaluable *Supreme Court Practice* (Washington, D.C., 2d ed., 1954) to take into account the many changes made by the new Rules.

[8] 346 U.S. 946–47.

[9] On the *amicus* brief problem see Fowler V. Harper and Edwin D. Etherington, "Lobbyists before the Court," *University of Pennsylvania Law Review*, Vol. 101, pp. 1172–77 (June, 1953). Speaking of *amicus* briefs these writers assert: "Even a cursory examination of these briefs indicates the time-wasting character of most of them. . . . For the most part, briefs amici are repetitious at best and emotional explosions at worst" (p. 1172).

[10] William Winslow Crosskey, *Politics and the Constitution in the History of the United States* (Chicago, 1953).

[11] Howard J. Graham, "Crosskey's Constitution: An Archeological Blueprint," *Vanderbilt Law Review*, Vol. 7, pp. 340–65 (April, 1954); James A. Durham, "Congress, the Constitution and Crosskey," *Indiana Law Journal*, Vol. 29, pp. 355–66 (Spring, 1954), "Crosskey on the Constitution: An Essay-Review," *California Law Review*, Vol. 41, pp. 209–29 (Summer, 1953); Carl N. Degler, "A New Effort to Rewrite the Constitution," *Western Political Quarterly*, Vol. 7, pp. 75–82 (March, 1954); Ernest J. Brown and Henry M. Hart, Jr., *Harvard Law Review*, Vol. 67, pp. 1439–86 (June, 1954); Malcolm Sharp, Irving Brant and Julius Goebel, Jr., *Columbia Law Review*, Vol. 54, pp. 439–83 (March, 1954); Robert L. Stern, John B. Sholley, Nathaniel L. Nathanson, and John P. Frank, *Northwestern University Law Review*, Vol. 49, pp. 107–37 (March–April, 1954); A. E. Sutherland, *Cornell Law Quarterly*, Vol. 39, pp. 160–69 (Fall, 1953); F. D. G. Ribble, *Virginia Law Review*, Vol. 39, pp. 863–70 (Oct., 1953); Fritz F. Heimann and Hugh E. Kelso, *Iowa Law Review*, Vol. 39, pp. 138–55 (Fall, 1953); H. E. Yntema, *American Journal of Comparative Law*, Vol. 2, pp. 582–86 (Autumn, 1953); H. D. Lasswell, *George Washington Law Review*, Vol. 22, pp. 383–86 (Jan., 1954); M. D. Forkosch, *Brooklyn Law Review*, Vol. 20, pp. 124–32 (Dec., 1953). For earlier references see the author's "Constitutional Law in 1952–1953," this REVIEW, Vol. 48, pp. 63–113, at p. 63, note 3 (March, 1954).

[12] Donald G. Morgan, *Justice William Johnson: The First Dissenter* (Columbia, S. C., 1954).

as well as of a biography of Justice Shiras (1892–1903).[13] Students of American government were also glad to note the publication of an interesting symposium on judicial review, on the occasion of the 150th anniversary of *Marbury* v. *Madison*,[14] a monumental treatise-casebook on the federal courts and their jurisdiction,[15] and a number of books and essays dealing with various historical aspects of our public law.[16]

In all, during the 1953 Term the Supreme Court disposed with finality of 1,293 cases, as compared with 1,278 during the previous Term. There were only 78 signed opinions, the smallest number in many years, and 13 *per curiam* opinions. Of the 78 dispositions with full opinion, 22, or 28 per cent, were unanimous, as compared with 22 per cent in the 1952 Term. Of 66 dispositions by memorandum order, the Court reached unanimous agreement in 54, or 82 per cent. In all, 170 cases were decided on the merits (198 a year ago). Of these cases, 32 came from the United States District Courts by appeal, 65 from the federal Courts of Appeal, all by certiorari, 71 from state courts, 56 by appeal and 15 by certiorari, and 2 from specialized federal courts by way of certiorari.

On the appellate docket, the Court granted certiorari in only 78 cases, or 13 per cent of all petitions filed, as compared with 16.1 per cent in 1952 and 15.2 per cent in 1951. On the miscellaneous docket the Court granted petitions for certiorari in only 10 cases, or 1.9 per cent of all those filed, as compared with 2.5 per cent in 1952, and 4.7 per cent in 1951. It is to be regretted that with his

[13] George Shiras, 3d, *Justice George Shiras Jr. of Pittsburgh* (Pittsburgh, 1953).

[14] *Supreme Court and Supreme Law*, ed. Edmond Cahn (Bloomington, Ind., 1954). See the review by Carl B. Swisher in *Harvard Law Review*, Vol. 67, pp. 1487–89 (June, 1954).

[15] Henry M. Hart, Jr. and Herbert Wechsler, *The Federal Courts and the Federal System* (Brooklyn, 1953).

[16] Clyde E. Jacobs, *Law Writers and the Courts* (Berkeley, 1954), on T. M. Cooley, C. G. Tiedeman, and J. F. Dillon; Alpheus T. Mason, *The Supreme Court: Vehicle of Revealed Truth or Power Group, 1930–1937* (Boston, 1953); John C. Hogan, "The Court of Appeals in Cases of Capture (1780 to 1787)," *Oregon Law Review*, Vol. 33, pp. 95–105 (Feb., 1954); Felix Frankfurter, "Chief Justices I Have Known," *Virginia Law Review*, Vol. 39, pp. 883–905 (Nov. 1953); Ralph K. Huitt, "The Constitutional Ideas of James Otis," *Kansas Law Review*, Vol. 2, pp. 152–73 (Dec., 1953); Wallace Mendelson, "Dred Scott's Case—Reconsidered," *Minnesota Law Review*, Vol. 38, pp. 16–28 (Dec., 1953); Charles Fairman, "The So-Called Granger Cases, Lord Hale, and Justice Bradley," *Stanford Law Review*, Vol. 5, pp. 587–679 (July, 1953); David M. Levitan, "Mahlon Pitney—Labor Judge," *Virginia Law Review*, Vol. 40, pp. 733–70 (Oct., 1954); Alpheus T. Mason, "Extra-Judicial Work for Judges: The Views of Chief Justice Stone," *Harvard Law Review*, Vol. 67, pp. 193–216 (Dec., 1953); Marian D. Irish, "Mr. Justice Douglas and Judicial Restraint," *University of Florida Law Review*, Vol. 6, pp. 537–53 (Winter, 1953). See also: Earl Latham, "The Supreme Court and the Supreme People," *Journal of Politics*, Vol. 16, pp. 207–35 (May, 1954); Marver H. Bernstein, "The Politics of Adjudication," *Journal of Politics*, Vol. 16, pp. 299–323 (May, 1954); Glendon A. Schubert, Jr., "Politics and the Constitution: The Bricker Amendment during 1953," *Journal of Politics*, Vol. 16, pp. 257–98 (May, 1954); J. A. C. Grant, "Judicial Control of Legislation," *American Journal of Comparative Law*, Vol. 3, pp. 186–98 (April, 1954); Symposium on "Concepts of Legislative Power," *Louisiana Law Review*, Vol. 14, pp. 745–810 (June, 1954); Clinton Rodda, "The Accomplishment of Aesthetic Purposes under the Police Power," *Southern California Law Review*, Vol. 27, pp. 149–79 (Feb., 1954).

analysis of the denial of certiorari in the 1952 Term,[17] Professor Harper has brought to a close a series of four valuable articles examining closely the certiorari jurisdiction since 1949. Understandably enough, he writes that "on the whole this has been a baffling and frustrating experience."[18] The Supreme Court also dismissed appeals in 39 cases, 33 for lack of a substantial federal question.

With the sharp decline in the number of dispositions with full opinion there was a corresponding reduction in the total number of dissenting opinions, of which there were 57, as compared with 89 and 73 in the two previous Terms. Again Justice Douglas led the Court, with 15 dissenting opinions; Justice Black wrote 12, Justice Frankfurter eight, Justice Jackson seven, Justice Minton five, Justice Reed four, Justice Clark three, Justice Burton two, and Chief Justice Warren only one. In addition, 16 concurring opinions were written, four by Justice Douglas. Taking into account all cases decided on the merits, whether by memorandum order or full opinion, Justice Douglas cast 35 dissenting votes and Justice Black 33. At the other end of the table were Justice Clark, with only six dissenting votes, and Chief Justice Warren with eight. In addition, in connection with memorandum orders denying petitions for certiorari or dealing with miscellaneous applications, Justice Douglas recorded dissent 31 times, Justice Black 30 times; Justice Jackson noted dissent in connection with seven orders, Justice Reed dissented six times, and Justice Frankfurter once.

The Court's disposal of a number of important cases by summary *per curiam* opinion,[19] where in the light of the issues at stake some explanation would have been desirable, aroused comment.[20] Indeed, in one instance, *Linehan* v. *Waterfront Commission of New York Harbor*,[21] where the Court affirmed a federal district court on appeal, without oral argument and without opinion, Justices Douglas and Black registered their disapproval. The case involved a compact entered into by New York and New Jersey, with the approval of Congress, for the regulation of employment on the waterfront. A two-member, bi-state Waterfront Commission was created to control employment of all longshoremen by means of a register, a listing in which was made a prerequisite of employment. The Commission, in its discretion, may deny registration to anyone who has ever been convicted of certain designated crimes, or who is a Commu-

[17] Fowler V. Harper and Arnold Leibowitz, "What the Supreme Court Did Not Do during the 1952 Term," *University of Pennsylvania Law Review*, Vol. 102, pp. 427–63 (Feb., 1954).

[18] *Ibid.*, p. 427.

[19] See, for example: *Florida ex rel. Hawkins* v. *Board of Control*, 347 U.S. 971 (1954), on school segregation; *Superior Films, Inc.* v. *Department of Education*, 346 U.S. 587 (1954), on censorship of motion pictures; *White* v. *Howard*, 347 U.S. 910 (1954), on registration of names of political parties; *Brownell* v. *Singer*, 347 U.S. 403 (1954), on liquidation of assets of enemy alien property; *United Shoe Machinery Corp.* v. *United States*, 347 U.S. 521 (1954), involving an unusually important anti-trust action; and *County Board* v. *State Milk Commission*, 346 U.S. 932 (1954), on standing to sue.

[20] See the observations of Albert M. Sacks in the *Harvard Law Review*, Vol. 68, pp. 99–103 (Nov., 1954).

[21] 347 U.S. 439 (1954).

nist or teaches the Communist creed, or whose presence on the waterfront would constitute, in the Commission's judgment, "a danger to the public peace or safety." The district court held that the compact was valid, overruling several constitutional objections.[22] Justice Douglas protested against the Court's growing practice in recent years of "diluting" the statute which gives it jurisdiction over appeals. A case coming to the Court on appeal, he pointed out, comes as of right in accordance with an act of Congress, and does not depend upon the favorable vote of four Justices, which is needed for certiorari. He thought that this case presented for decision two genuine constitutional issues; whether the standards by which men are deprived of the right to work were relevant to the question of their competence to perform the work, and whether the states had not violated the constitutional clause forbidding bills of attainder.[23] He declared: "The right to work—which goes to the very heart of our way of life—is at stake in these appeals. If we conclude that the Compact is constitutional, we should give our reasons so that all interests will be protected. Congress expected as much in all but frivolous cases coming here by appeal."

I. QUESTIONS OF NATIONAL POWER

1. FEDERAL RIGHTS

Regulation of Lobbying and Basic Rights. There is an old canon of construction that if it is at all possible to do so, the Court ought to interpret a statute in such a fashion as to sustain it against a charge of unconstitutionality. How far the Court is willing to go in reconstructing legislation in order to save it is reflected in *United States* v. *Harriss*,[24] which upheld the constitutionality of the Federal Regulation of Lobbying Act of 1946 by a 5–3 vote. An information was filed in the District Court for the District of Columbia alleging violation of Section 305 of the Act, which requires reports to Congress from every person "receiving any contributions or expending any money" for the purpose of influencing the passage or defeat of any congressional legislation. The National Farm Committee, a Texas corporation, and defendants Moore and Harriss, were charged with failure to report the solicitation and receipt of contributions made for the purpose of influencing the passage of farm legislation. Some of the alleged expenditures consisted of payments of compensation to others to communicate face-to-face with members of Congress at public functions and committee hearings in connection with agricultural legislation. Other expenditures were made in connection with a campaign to induce various interested groups and individuals to write to members of Congress. Moore and Harriss were also charged with violation of Section 308, which requires registration of any person "who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation." The purposes covered by the Act are defined as follows: "(a) The passage or defeat of any

[22] 116 F. Supp. 683 (S.D. New York, 1953).

[23] See Note, "The Constitutional Prohibition of Bills of Attainder: A Waning Guaranty of Judicial Trial," *Yale Law Journal*, Vol. 63, pp. 844–61 (April, 1954).

[24] 347 U.S. 612 (1954).

legislation by the Congress of the United States. (b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States." Registrants covered by the Act are required to disclose the name and address of each person contributing $500 or more, and the name and address of each person to whom an expenditure of $10 or over has been made within the year. The constitutional issues raised were those of due process vagueness, freedom of speech and press, and freedom of petition.

Speaking for the Court, Chief Justice Warren observed that it has a duty to construe a statute as satisfying the due process requirement of specificity if it is reasonably possible to do so. Referring to the recent holding in the *Rumely* case,[25] it was declared that the language describing the Act's purposes should be construed as referring only to "lobbying in its commonly accepted sense," that is to say, "to direct communication with members of Congress on pending or proposed federal legislation." The Chief Justice maintained that the legislative history of the Act indicates that Congress had in mind only direct pressures, and not attempts to educate or change the mind of the country. Thus construed, it was held that the statute meets the constitutional requirement of definiteness. It was pointed out, as it usually is in such cases, that the statute under consideration was at least as definite as many other criminal statutes which have been upheld. Furthermore, the statute as construed does not violate the First Amendment guarantees of freedom of speech, press, and petition. Under present conditions, Chief Justice Warren asserted, members of Congress must be able properly to evaluate the pressures to which they are regularly subjected. "Otherwise," he said, "the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal." He also noted that over twenty states have similar legislation. Congress has not tried to prohibit these pressures; it only seeks "a modicum of information." All it wants to know is "who is being hired, who is putting up the money, and how much." As in the case of the Federal Corrupt Practices Act, the purpose here is "to maintain the integrity of a basic governmental process." To deny Congress the power to require disclosure of lobbying activities would amount to denying Congress "in large measure the power of self-protection." Any possible restraint upon those not covered by Section 307, it was suggested, is at most an indirect and remote one resulting from self-censorship, comparable in many ways to the restraint resulting from criminal libel laws.

In a dissenting opinion with which Justice Black expressed agreement, Justice Douglas maintained that the statute was too vague to give fair warning, and that the Court had actually rewritten the statute. He could find no warrant in the Act for drawing the line between direct communications with Congress and other pressures exerted on Congress, and maintained that the Act included both. In his view the Court had taken out one whole group of activities, those which influence Congress "indirectly." Indeed, he argued that "direct" in-

[25] *United States* v. *Rumely*, 345 U.S. 41 (1953).

fluence includes many methods of communication, such as radio, television, and advertising, as well as direct contacts with members of Congress. He also thought that a statute raising First Amendment issues ought to be narrowly drawn. In a separate dissenting opinion, Justice Jackson maintained that the statute was so "mischievously vague" that even the government does not understand it. Rarely, he said, has the Court gone so far in rewriting a statute. Since the offense described by the statute is a novel one, he argued that the formula ought to be as clear and precise as language will permit. But it may be noted that all three dissenters seemed to agree that Congress can in some fashion regulate lobbying.

Deportation of Aliens. Cases dealing with the deportation of aliens reach the Supreme Court regularly, and the 1953 Term was no exception.[26] Perhaps the most interesting was *Galvan* v. *Press*,[27] involving a Mexican alien who came to this country in 1918 at the age of seven, and who admitted in 1948 that he had been a member of the Communist Party from 1944 to 1946. Section 22 of the Internal Security Act of 1950 makes such membership a specific ground for deportation. Galvan asked the Court to interpret the statute to mean that it provides for the deportation only of those aliens who joined the Communist party fully conscious of its advocacy of violence, and who committed themselves by the act of joining to this violent purpose. This the Court refused to do, holding on the basis of legislative history and the course of earlier judicial and administrative decisions that Congress did not intend to exempt "innocent" members of the Communist party from deportation. It was concluded that "support, or even demonstrated knowledge, of the Communist Party's advocacy of violence was not intended to be a prerequisite to deportation." It is enough that the alien of his own free will joined an organization known as the Communist party.

The situation had been different under the Alien Registration Act of 1940, which made membership in an organization which advocates the overthrow of government by force a ground for deportation. The Court had held this provision constitutional even though membership ended before 1940.[28] But under the 1940 Act it was necessary to prove in each case that the Communist party did in fact advocate violent overthrow of the government. The Internal Security Act of 1950 dispensed with the need of such proof. Justice Frankfurter noted

[26] See *Proceedings of the New York University Conference on Practice and Procedure under the Immigration and Nationality Act*, ed. Henry Sellin (New York, 1954), for an analysis of the McCarran-Walter Act; Note, "Deportation and Due Process," *Stanford Law Review*, Vol. 5, pp. 722–50 (July, 1953).

[27] 347 U.S. 522 (1954). This case came up by way of habeas corpus, as usual. The Solicitor General has recently recommended, as a substitute for habeas corpus, which is available only after the alien has been taken into custody for deportation, judicial review of a final order of deportation by petition on the part of an alien who is not in custody. A proposed bill which would authorize this procedure was approved by the Judicial Conference of the United States at a session held on April 15 and 16, 1954. See Report, House Doc. 475, 83d Cong., 2d sess., p. 15.

[28] *Harisiades* v. *Shaughnessy*, 342 U.S. 580 (1952).

that on the basis of extensive investigations, Congress made a finding that the Communist movement was a world-wide revolutionary movement, and made present or former membership in the party in and of itself a ground for deportation. He could not say that the congressional classification was so baseless as to violate due process. The power of Congress over aliens is necessarily very broad, since it touches upon "basic aspects of national sovereignty, more particularly our foreign relations and the national security." He admitted that it is harsh to deport an alien without permitting him to show that he was unaware of the Communist party's advocacy of violence, but pointed out that nothing is more firmly established than the proposition that policies respecting the entry and deportation of aliens are the exclusive concern of Congress.

Justice Black dissented, noting that between 1944 and 1946 the Communist party was a legal, functioning party which appeared on the ballots. He noted that Galvan had an American wife and four children, and that there was strong evidence that he was "a good, law-abiding man, a steady worker and a devoted husband and father loyal to this country and its form of government." Such a man, he argued, should not be deported for doing something which was lawful when done. Justice Douglas also filed a dissenting opinion, in which he maintained that it was contrary to experience to say "that because a man was once a Communist, he always must carry the curse." If aliens are to be deported, he asserted, it must be for what they are and do, and not for what they once believed. The answer of the majority was that it is an unbroken rule that the *ex post facto* doctrine does not apply to deportation. The fiction still persists that deportation is not punishment in the legal sense.

While the deportation laws are not penal in character, the Court noted in another case, *Barber* v. *Gonzales*,[29] that as a practical matter they may result in banishment or exile, and therefore should be strictly construed. Here the Court ruled that a man born in the Philippine Islands who came to this country in 1913, and thus prior to the Philippine Independence Act of 1934, had not made an "entry" within the meaning of Section 19 (a) of the Immigration Act of 1917. This Section provided for the deportation of an alien who, "after entry," had been sentenced more than once to imprisonment for terms of one year or more for crimes involving moral turpitude. Chief Justice Warren held that the word "entry" has acquired a special technical meaning through judicial construction, and signifies coming from a foreign country. The Philippine Islands could not be regarded as foreign for immigration purposes prior to 1934. Three dissenting Justices thought that "it is not the public policy of this country to construe its statutes strictly in favor of alien criminals whose convictions have already been established of record."

An interesting procedural issue with due process overtones was resolved by a 5–4 vote in *U. S. ex rel. Accardi* v. *Shaughnessy*.[30] Though admittedly deportable, Accardi applied for suspension of deportation under Section 19(c) of the Immigration Act of 1917, which authorizes the Attorney General to suspend

[29] 347 U.S. 637 (1954). [30] 347 U.S. 260 (1954).

the deportation of an alien who has proved good moral character for the preceding five years if he finds that the deportation would result in serious economic detriment to a citizen or legally resident alien who is a spouse, parent, or minor child of the alien. In April, 1953, the Board of Immigration Appeals affirmed the decision of the hearing officer in favor of deportation. Accardi claimed that the denial of his application by the Board was prejudged by the fact that his name appeared in a confidential list, previously issued by the Attorney General, of "unsavory characters" who should be deported. In his habeas corpus proceeding the district court refused to give Accardi a hearing on the issue. The administrative regulations in effect at this time required final review by the Board, the members of which are appointed by the Attorney General and serve at his pleasure. The decisions of the Board are final unless the Attorney General wishes to review.

Five Justices held that the district court should have given Accardi a chance to present proof on the issue of a fair hearing, because in their view the Board was required under the regulations to exercise its own judgment when considering appeals. Justice Clark took the position that the fact that the Attorney General could make a final review supported the inference that the Board should make a decision in accordance with its own belief. Under the regulations, the Board was delegated a discretion as broad as that of the Attorney General, and discretion means that the recipient of the power to decide must exercise his authority according to his own understanding and conscience. "In short," said Justice Clark, "as long as the regulations remain operative, the Attorney General denies himself the right to sidestep the Board or dictate its decision in any manner." He ruled that Accardi ought to have a chance to prove his allegation, and should then receive a fair hearing at which the Board must exercise its own independent discretion, without any consideration being given to the Attorney General's proscription.

The four dissenters maintained that since there is no legal right to have a lawful order of deportation suspended, and since the Board was neither a judicial body nor an independent agency, but a mere creation of the Attorney General, every decision of which was subject to his unlimited review, the decision to suspend deportation is entirely within the Attorney General's discretion. In their view, the Board was a mere advisory body consisting of members of the Attorney General's own staff. They also argued that the power to suspend deportation was a discretionary and purely executive function which, like the pardoning power, is not subject to judicial review.

Fair Trial. After conviction by a jury for evasion of income taxes, the defendant learned for the first time that during the trial an unnamed person had told the foreman of the jury that he could profit by bringing in an acquittal. The juror had reported this to the judge, who in turn notified the district attorney. Then the FBI made an investigation, and apparently the judge and the prosecutor, on the basis of its report, decided that the remark to the juror had been made in jest, and nothing further was said or done about the matter. The Supreme Court unanimously ruled that the defendant was entitled to a

hearing before the trial court to determine whether the incident was prejudicial, and to a new trial in case it was.[31] In criminal cases, said Justice Minton, any private contact with a juror during trial is presumptively prejudicial, if not made under the known rules of court, with full knowledge of the parties. The presumption is not conclusive, but the burden is on the government to prove, at a hearing, that the contact with the juror was harmless to the defendant. A trial court, it was indicated, should not decide the sort of question at issue here in an *ex parte* manner.

The concept of a fair trial also requires that the indictment must state clearly what the charges are, so that a defense can be prepared.[32] The sufficiency of the charges was at issue in *United States* v. *Debrow*,[33] where the Court reviewed the dismissal of an indictment for perjury before the Senate Subcommittee on Investigations. The statute under which the prosecution was brought makes it a crime for anyone to commit perjury after "having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered." The lower courts in Debrow's case dismissed the indictment because it did not give the name of the person who administered the oath or his authority to do so. The Supreme Court Justices all agreed that the indictment was sufficient and proper, because it set forth all the elements of the offense charged. Justice Minton pointed out that the Federal Rules of Criminal Procedure was designed to eliminate technicalities in pleading. Rule 7 (c) requires that the indictment "shall be a plain, concise and written statement of the essential facts constituting the offense charged." It was held that the name of the person who administered the oath was not an essential element of the crime of perjury, his identity going only to the proof of whether the defendant was duly sworn. Furthermore, a former statutory requirement that an indictment for perjury must aver the name and authority of the person who administered the oath was expressly repealed when Congress revised the criminal code in 1948. It was sufficient that the indictment alleged that the Senate subcommittee was a competent tribunal authorized to administer oaths. Since the indictment followed substantially the language of the statute, which spells out all the elements of the crime, the Court thought it was inconceivable that Debrow could possibly have been misled as to the offense with which he was charged.

Search and Seizure. It will be recalled that in 1914, in the *Weeks* case,[34] it was established that in a federal court the defendant may move for suppression of evidence secured in violation of the Fourth Amendment. A fresh exception to this exclusionary rule was adopted by the Supreme Court in *Walder* v. *United States*.[35] Walder had been indicted in 1950 for purchasing and possessing one

[31] *Remmer* v. *United States*, 347 U.S. 227 (1954).

[32] See Comment, "The Lattimore Case: Congressional Investigations and the Constitution," *Northwestern University Law Review*, Vol. 49, pp. 77–86 (March–April, 1954).

[33] 346 U.S. 374 (1953).

[34] *Weeks* v. *United States*, 232 U.S. 383 (1914).

[35] 347 U.S. 62 (1954). See E. G. Trimble, "Search and Seizure under the Fourth Amend-

grain of heroin. Claiming that the heroin capsule had been obtained through an unlawful search and seizure, Walder moved to suppress the evidence, and the motion was granted and the case dismissed. In 1952 Walder was again indicted, this time for other sales of narcotics. At this trial, on direct examination, he testified that he had never sold narcotics to anyone, and that he had never had narcotics in his possession, or given narcotics to anyone. He repeated all this on cross-examination. Over objection, the government then questioned him about the heroin capsule which had been seized unlawfully back in 1950. He denied that narcotics were taken from him at that time. The government then put on the stand one of the officers who had participated in the unlawful search and seizure, and the chemist who had analyzed the evidence. The trial judge admitted this testimony, but carefully charged the jury that the testimony concerning the earlier event was to be used, not to determine whether Walder had committed the 1952 offense, but solely for the purpose of impeaching his credibility. The Supreme Court, Justices Black and Douglas dissenting without opinion, ruled that the defendant's assertion on direct examination that he had never possessed any narcotics opened the door, solely for the purpose of attacking his credibility, to evidence of the heroin unlawfully seized in connection with the earlier proceeding.

Speaking for the Court, Justice Frankfurter made it clear that the government cannot violate the Fourth Amendment by using the fruits of unlawful conduct directly or indirectly to secure a conviction. But, he maintained, "it is one thing to say that the Government cannot make an affirmative use of evidence unlawfully obtained. It is quite another to say that the defendant can turn the illegal method by which evidence in the Government's possession was obtained to his own advantage, and provide himself with a shield against contradiction of his untruths. Such an extension of the *Weeks* doctrine would be a perversion of the Fourth Amendment." That is to say, Walder went beyond denying the crime he was charged with; he made a sweeping claim that he had never dealt with or possessed narcotics. He was perfectly free to deny all the elements of the case against him without thereby giving leave to the government to introduce by way of rebuttal evidence illegally secured. But beyond that, the Court ruled, there is no justification for permitting the defendant affirmatively to resort to perjurious testimony in reliance upon the government's disability to challenge his credibility. In other words, the defendant by his own conduct had in effect waived his right under the Fourth Amendment. The well-known *Agnello* case[36] was distinguished on the ground that there the government had taken the initiative in raising the issue for the first time on cross-examination.

Double Jeopardy. Two men were convicted of violating the mail fraud statute and the National Stolen Property Act, and of conspiracy to commit the crimes charged in the substantive counts. The Court ruled that this did not constitute

ment as Interpreted by the U. S. Supreme Court," *Kentucky Law Journal*, Vol. 42, pp. 197–231, 423–54 (Jan., March, 1954).

[36] *Agnello* v. *United States*, 269 U.S. 20 (1925).

double jeopardy.[37] Said the Chief Justice: "It is settled law in this country that the commission of a substantive offense and a conspiracy to commit it are separate and distinct crimes, and a plea of double jeopardy is no defense to a conviction for both. . . . Only if the substantive offense and the conspiracy are identical does a conviction for both constitute double jeopardy." He pointed out that here the substantive offenses could have been committed by individuals, whereas the essence of conspiracy is agreement between two or more people. There was an additional point raised in this case. One of the defendants was the principal defendant, the other having been charged with aiding and abetting. The Court held that aiding and abetting are not terms which presuppose the existence of an agreement. They have a broader application, making the defendant a principal when he consciously shares in a criminal act, regardless of the existence of a conspiracy.

Disbarment. Sacher was sentenced to imprisonment for six months for contempt growing out of his conduct in the *Dennis* case.[38] Thereupon the United States District Court for the Southern District of New York disbarred him permanently. The District Court made no finding of conspiracy, or of moral turpitude, or of prior misconduct during 24 years of practice. Its conclusion to disbar was based upon a finding of contumacious conduct resulting from excessive zeal in behalf of clients which obscured the recognition of his responsibility as an officer of the court. In a brief *per curiam* opinion the Supreme Court ruled that in view of the entire record and the findings of the court below, permanent disbarment was unnecessarily severe.[39] Justice Burton dissented without opinion. Justice Reed filed a lengthy dissenting opinion, in which he argued that the Court's action was inconsistent with the previous practice of leaving exclusions from their bars to the judgment of the district courts except where there has been an abuse of discretion. He warned that unethical practices are contagious, and emphasized that Sacher had been guilty of reprehensible conduct throughout the long trial. Furthermore, he maintained that a prior conviction for contempt, far from being a consideration in mitigation of discipline in disbarment proceedings, adds force to the need to disbar.

2. THE FEDERAL COMMERCE POWER

There were a number of cases during the 1953 Term which presented interesting issues deriving from legislation enacted by Congress under the Commerce Clause. Widely noted was the decision in *Toolson* v. *New York Yankees*,[40] which held that organized baseball was not within the scope of the Sherman Act. In a brief one-paragraph *per curiam* opinion, a majority of seven Justices pointed out that in 1922 the Court had ruled that professional baseball was not covered by the antitrust laws, the business of giving exhibitions being purely local, and the transportation of players and equipment incidental.[41] With full

[37] *Pereira* v. *United States*, 347 U.S. 1 (1954).
[38] *Dennis* v. *United States*, 341 U.S. 494 (1951).
[39] *Sacher* v. *United States*, 347 U.S. 388 (1954).
[40] 346 U.S. 356 (1953).
[41] *Federal Baseball Club* v. *National League*, 259 U.S. 200 (1922).

knowledge of this ruling Congress has not seen fit to bring the business under the antitrust laws, and thus for 30 years it has been allowed to develop on the understanding that it was not subject to existing antitrust legislation. "We think," said the Court, "that if there are evils in this field which now warrant application to it of the antitrust laws it should be by legislation." Justice Burton reviewed the facts of life about modern baseball in a substantial dissenting opinion, and concluded that interstate commerce is involved. He considered such factors as the wide distribution of capital investments, the constant travel, the interstate transmission of money, the purchase of material in interstate commerce, the interstate movement of audiences, radio and television activities, the highly organized farm system, and the sponsorship of interstate advertising. Of course, he maintained, it is within the discretion of Congress to decide whether baseball should be given special treatment, but so far Congress has enacted no express exemption.[42]

The government brought an action against a Chicago trade association of plastering contractors and a local labor union of plasterers alleging violation of the Sherman Act. About 60 per cent of the plastering done in the Chicago area was involved, and the charge was that the parties conspired to prevent competition among local contractors, to prevent out-of-state contractors from doing any business in Chicago, and to bar entry of new local contractors without approval of a private examining board. It was shown that substantial quantities of the materials used are produced in other states, being purchased by Illinois building materials dealers, and shipped to Illinois, sometimes to dealers, and sometimes directly to the job sites for use by the contractors. The District Court did not question that the factual allegations showed a combination to restrain competition, but held that these allegations were wholly a charge of local restraint not reached by the Sherman Act. The Supreme Court reversed.[43]

Speaking for the Court, Justice Black held that restraint or disruption of plastering work in Chicago necessarily affects adversely an interstate flow of plastering materials. The complaint plainly charged that the effect of all the local restraints was to restrain interstate commerce. He was not impressed with the argument that all interstate commerce ended before the local restraints became effective. Said Justice Black: "Where interstate commerce ends and local commerce begins is not always easy to decide and is not decisive in Sherman Act cases. . . . That wholly local business restraints can produce the effects condemned by the Sherman Act is no longer open to question." A similar conclusion was reached in a companion case involving lathing contractors and the lathers union in the Chicago area.[44] Justice Minton, with the concurrence of Justice Douglas, filed a dissenting opinion which argued that the activities complained of were wholly intrastate, and the restraint upon interstate commerce,

[42] On the general subject see Joel B. Dirlam and Alfred E. Kahn, *Fair Competition: The Law and Economics of Antitrust Policy* (Cornell 1954). See also Robert E. Lane, *The Regulation of Businessmen* (New Haven, 1954).

[43] *United States* v. *Employing Plasterers Assoc.*, 347 U.S. 186 (1954).

[44] *United States* v. *Employing Lathers Assoc.*, 347 U.S. 198 (1954).

if any, so indirect, remote, and inconsequential as to be unrelated to any purpose of conspiring to restrain interstate commerce. Justice Minton thought that interstate commerce ended when the materials reached the building site.

In *United States* v. *Borden Co.*[45] a unanimous Court held that a grant of relief under the Clayton Act to a private plaintiff did not bar the government from getting similar relief, the public and private actions provided for in the Act being cumulative and not mutually exclusive. Private parties serve their own interests, whereas the government seeks to protect the public through injunctive remedies and contempt proceedings to enforce compliance. It is clear, said Justice Clark, "that Congress did not intend that the efforts of a private litigant should supersede the duties of the Department of Justice in policing an industry."

The scope of interstate commerce under the Labor Act was at issue in *Howell Chevrolet Company* v. *NLRB.*[46] After a hearing, the Labor Board concluded that the Company, which retails Chevrolet automobiles and parts in Glendale, California, was guilty of unfair labor practices. The Act extends to any person who adversely "affects commerce," or to unfair labor practices which tend "to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce." The Company purchased its new cars from a General Motors assembly plant located in California, and its spare parts and accessories were delivered to it from GM warehouses in the state. About 43 per cent of all this merchandise was manufactured in other states and shipped to California for assembly or distribution. During 1949 the Company's purchases from GM exceeded $1,000,000. Furthermore, this local retail establishment was closely supervised by GM, operating under an agreement which included varied and detailed reports of business affairs, a commitment to conduct the business in a manner satisfactory to GM, inspection of books, facilities, and stocks, a uniform accounting system, and other relationships, all of which emphasized the interdependence of the Company's local activities with GM's national activities. On this evidence, the Court ruled that the Board was justified in finding that the Company was an integral part of GM's national system of distribution, and that its repeated unfair labor practices tended to lead to disputes burdening or obstructing commerce among the states.

However, in construing the Johnson Act of 1951, which prohibits the transportation of gambling devices in interstate commerce except to a state which exempts itself or its subdivisions by law, the Court by a 5–4 vote took a stricter view of the issue of interstate commerce coverage.[47] The statute provides that every manufacturer or dealer in gambling devices, under pain of criminal penalties, must register annually with the Attorney General and file statements each

[45] 347 U.S. 514 (1954).

[46] 346 U.S. 482 (1953). See Archibald Cox, "Federalism in the Law of Labor Relations," *Harvard Law Review*, Vol. 67, pp. 1297–1348 (June, 1954); Paul R. Hays, "Federalism and Labor Relations in the United States," *University of Pennsylvania Law Review*, Vol. 102, pp. 959–79 (June, 1954).

[47] *United States* v. *Five Gambling Devices*, 346 U.S. 441 (1953).

month giving detailed information as to each device sold. Forfeiture of devices sold in violation of the Act is also authorized. Two indictments charged two men with dealing in gambling devices without registering with the Attorney General and reporting sales and deliveries. In another proceeding a libel was brought to forfeit five gambling machines seized by FBI agents from a country club in Tennessee. The indictments did not allege that the accused dealers bought, sold, or moved gambling devices in interstate commerce, and the libel did not indicate that the club's machines were at any time transported in or in any way affected interstate commerce. The defendants maintained that the Act should not be construed to reach dealers, transactions, or machines unless shown to have some relation to interstate commerce. The district court dismissed the indictments on the ground that the Act was not intended to cover an activity which was wholly local. A bare majority of the Supreme Court affirmed, but without reaching agreement on an opinion.

Speaking for himself, and Justices Frankfurter and Minton, Justice Jackson took the position that it was possible, and preferable, to avoid ruling on the constitutional question, which was neither frivolous nor unimportant, though he rejected the government's argument that Congress may constitutionally require reporting of all intrastate transactions without reference to interstate commerce in order to make interstate commerce regulation effective. In fact, he could find no instance where Congress has attempted to impose reporting duties under the commerce power which would raise the question posed in these proceedings. He conceded that if read literally, the Act is capable of the broad construction urged by the government, but "against the background of our tradition and system of government," he could not say that the lower court was wrong in holding that the statute did not reach purely intrastate matters. He found the legislative history "conspicuously meager and unenlightening," but concluded that Congress did not intend to substitute federal for state enforcement. Justice Jackson's opinion rested upon two premises: that the Court should not construe a statute in such a manner as to have to decide constitutional questions if the statute can be construed otherwise, and that a strong presumption of constitutionality is accorded to acts of Congress. In a separate concurring opinion Justice Black, with whom Justice Douglas agreed, raised a self-incrimination issue, but ruled, mainly, that one phrase inadvertently left in the statute rendered the statute void for vagueness.

Speaking for the dissenters, Justice Clark maintained that there was no possible alternative to the view that Congress intended to require every manufacturer or dealer in gambling devices to register and supply the necessary information, without reference to interstate commerce. He did not agree that the statute was unconstitutionally vague, and argued that one who honestly tried to obey this law would have no difficulty in doing so without undue mental strain. Thus construed, the Act was not in his opinion outside the constitutional powers of Congress, since the reporting provisions of the Act were designed to make effective the interstate shipment ban. Unless all local sales are reported, it was thought that it would be easy to conceal the identity of the interstate

transporter. While Congress has never attempted to pass such a sweeping law before, Justice Clark took the position that novelty does not prove unconstitutionality. In view of the elusive nature of the object whose interstate shipment is being controlled, he said, it may be asserted that every sale of slot machines affects the exercise of the power of Congress over commerce.

An important issue in connection with federal regulation of the natural gas industry was disposed of by a 5–3 vote in the case of *Phillips Petroleum Co.* v. *Wisconsin*.[48] Phillips is an "independent" natural gas producer, in that it does not engage in the interstate transmission of gas from the producing fields to consumer markets, and is not affiliated with any interstate pipeline company. Phillips sells natural gas to five interstate pipeline companies which transport and resell the gas to consumers and local distributors in 14 states. A substantial part of the gas is produced in connection with the production of oil. The gas flows from the wells to processing plants, and after processing the gas flows through an outlet pipe to a delivery point where it is sold and delivered to an interstate pipeline company. After a hearing the Federal Power Commission concluded that Phillips is not a natural gas company within the meaning of the Natural Gas Act, and that therefore its rates were not subject to Commission supervision.

The Act authorizes the Commission to regulate the rates of natural gas companies which are "engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of such gas for resale." The Act declares: "The provisions of this Act shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and to natural-gas companies engaged in such transportation or sale, but shall not apply . . . to the production or gathering of natural gas." Phillips claimed that it came within the scope of the exception stated in the last portion of the above provision. The Court of Appeals for the District of Columbia overruled the Commission, and held that the Commission had jurisdiction. The Supreme Court agreed. It was concluded that statutory language, legislative history, and past Court decisions all supported the proposition that Phillips' sales in interstate commerce of natural gas for resale were within the ambit of the Commission's powers.

Speaking for the Court, Justice Minton ruled, in the first place, that the production and gathering ended before Phillips' sales occurred, relying upon previous cases holding that transportation and sale do not include production and gathering. In the second place, it was held that Congress did not intend to cover only interstate pipeline companies. The Act speaks of Commission jurisdiction over transportation *or* sale for resale in interstate commerce, and not

[48] 347 U.S. 672 (1954). See the symposium on "The Regulation of Natural Gas," *Law and Contemporary Problems*, Vol. 19, pp. 323–473 (Summer, 1954), and particularly Bradford Ross and Bernard A. Foster, Jr., "Phillips and the Natural Gas Act," pp. 382–412, and Ralph K. Huitt, "Natural Gas Regulation under the Holding Company Act," pp. 455–73.

of transportation *and* sale for resale. Justice Minton argued that the legislative history shows that Congress intended to give the Commission jurisdiction over the rates of all wholesalers of natural gas in interstate commerce, whether by pipeline company or not, and whether occurring before, during, or after transmission by an interstate pipeline company. There was no doubt in his mind that the overriding purpose of Congress was to plug the gap in regulation resulting from judicial decisions prohibiting on federal constitutional grounds state regulation of many of the interstate commerce aspects of the natural gas business. He was satisfied "that Congress sought to regulate wholesales of natural gas occurring at both ends of the interstate transmission systems." Finally, he noted that the regulation of sales in interstate commerce for resale by a so-called independent producer is not essentially different from regulation of such sales when made by an affiliate of an interstate pipeline company. In both cases, the rates charged may have a direct and substantial effect on the price paid by the ultimate consumers, and protection against exploitation of consumers by natural gas companies was the primary aim of the Act. Justice Frankfurter filed a concurring opinion to emphasize that the basic purpose of the statute was to occupy a field in which the states may not act.

In his dissenting opinion, Justice Douglas took the position that while he had no doubt of the power of Congress to regulate sales at both ends of the interstate pipelines, he did not believe Congress intended to reach the independent producers. This question, he thought, ought to be settled by Congress, and not by the Court. Justice Clark also filed a dissenting opinion in which Justice Burton concurred. His argument was that Phillips fell within the meaning of the Act's exception of the production or gathering of natural gas. He thought that the command of the statute was clear, that under the Court's sweeping interpretation the Commission was thrust into a regulatory domain traditionally left to the states, and that Phillips' activities were local in character. He also argued that the gap intended to be closed was at the distribution end of the transmission process, and that the states have always regulated production and gathering at the other end. It was not, in his opinion, the intent of Congress to interfere with state regulation.

3. FEDERAL REGULATION OF COPYRIGHTS

The federal copyright statute authorizes registration of "works of art" and "reproductions of a work of art." Stein, a manufacturer and seller of table lamps, created original works of sculpture, in the form of statuettes of male and female dancing figures, by traditional clay-model technique. The statuettes, without any lamp components added, were registered at the Copyright Office as "works of art." Another manufacturer and seller of lamps, Mazer, copied the statuettes without authorization, and embodied them in lamps. The controversy between them centered around the fact that although copyrighted as "works of art" the statuettes were intended for use and used as bases for table lamps. The district court dismissed a complaint charging copyright infringement, but the Court of Appeals reversed, holding that a subsequent utilization

of a work of art in an article of manufacture in no way affects the right of the copyright owner to be protected against infringement of the work of art itself. Seven Justices of the Supreme Court agreed.[49]

Speaking for the Court, Justice Reed noted that the constitutional power of Congress to confer copyright protection on works of art or their reproduction is not subject to question. Indeed, the petitioner conceded that Congress has the power to include statues and pictures within the constitutional term "authors." It was pointed out that the course of legislation since 1790 indicates that Congress has intended to include more than the traditional fine arts within the scope of the copyright statute. Coverage has been extended to more and more things, ranging from books to musical compositions, photographs, cuts, engravings, statues, and so forth. Weight was also attached to the long-continued construction of the law by the Copyright Office to allow registration of the sort of statuettes involved in this litigation. "Individual perception of the beautiful," said Justice Reed, "is too varied a power to permit a narrow or rigid concept of art." Perhaps the best standard is that protection be extended to original things pertaining to the arts.

The petitioner argued, however, that industrial and technological developments should be protected by patents and not copyrights. But Justice Reed ruled that since the Court had decided that these statuettes were copyrightable, it was unnecessary to decide the question of their patentability. It was held that the question of patentability does not bar copyright as works of art. No statute says that because a thing is patentable, it may not be copyrighted. Unlike a patent, it was noted, a copyright gives no exclusive right to the idea itself, but only to the expression of the idea. Copyright protects originality rather than novelty or invention, and all it confers is the sole right of multiplying copies. In the absence of copying there can be no infringement of copyright. Thus Stein may not exclude others from using statuettes of human figures in table lamps; he may only prevent use of copies of his statuettes. Finally, the Court ruled that there is nothing in the copyright law which supports the argument that intended use or use in industry of an article eligible for copyright bars or invalidates its registration. Nor does it matter whether registration comes before or after embodiment in an industrial article.

In a dissenting opinion agreed to by Justice Black, Justice Douglas maintained that the case ought to be put down for reargument, in order to consider an important constitutional issue which was raised in oral argument but not in the briefs. The issue was whether these statuettes may be copyrighted, since the pertinent constitutional clause speaks only of "authors" and "writings." Justice Douglas insisted that the Court has never decided the question whether a sculptor is an "author" and his statue a "writing" within the meaning of the Constitution. He took note of a long list of articles which have been copy-

[49] *Mazer* v. *Stein*, 347 U.S. 201 (1954). See the symposium, "Literary and Artistic Products and Copyright Problems," *Law and Contemporary Problems*, Vol. 19, pp. 139–322 (Spring, 1954), and the Annotation in 98 L. Ed. 644.

righted by the Copyright Office, including bookends, clocks, lamps, doorknockers, chandeliers, piggy banks, sundials, salt and pepper shakers, fish bowls, and ash trays. Said Justice Douglas: "Perhaps these are all 'writings' in the constitutional sense. But to me, at least, they are not obviously so. It is time that we came to the problem full face."

4. THE FEDERAL POWER TO DISPOSE OF PROPERTY

Alabama and Rhode Island filed motions with the Supreme Court for leave to file complaints challenging the right of Texas, Louisiana, Florida, and California to hold property ceded to them by the Submerged Lands Act of 1953. Article 4, Section 3, Clause 2 of the Constitution provides: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory and other Property belonging to the United States." In a one-paragraph *per curiam* opinion, six Justices ruled summarily that the power of Congress to dispose of any kind of property belonging to the United States is vested in Congress with limitation.[50] Congress exercises not only legislative but also proprietary power over the public domain. It is not for the courts to say how Congress should administer its trust. Chief Justice Warren did not participate, and Justice Reed filed a concurring opinion which came to grips with the issues raised.

In his dissenting opinion, Justice Black argued that under the Act in question some favored states can say how other states and their citizens can use the ocean or its resources. He doubted whether Congress can relinquish elements of national sovereignty over the oceans, and thought it was dangerous to deprive the United States of complete control of the oceans bordering the nation. "And I have trouble also," he said, "in thinking Congress could sell or give away the Atlantic or Pacific oceans." Justice Douglas, in his dissenting opinion, agreed with Justice Black that the issue is not the power of Congress to dispose of property. The whole point in the earlier tidelands cases[51] was that more than property rights were involved. The problem is one of the incidents of national sovereignty. He insisted that the United States can no more delegate away its exclusive and paramount authority over the marginal sea than it can give up any other great power vested in it by the Constitution. In his view Congress can no more cede the marginal belt than it can the Columbia or Mississippi Rivers. Nor did he believe that the economic interests in the marginal sea can be separated from the political. If it was necessary for Texas to surrender her property rights in the marginal sea in order to enter the Union on an "equal footing," how, he asked, can she get back these very rights and still remain on an equal footing with the other states? He insisted that what Texas and the other favored states got in the Submerged Lands Act was what the

[50] *Alabama* v. *Texas*, 347 U.S. 272 (1954). See the note on this case in *University of Pennsylvania Law Review*, Vol. 102, pp. 804–8 (April, 1954).

[51] *United States* v. *California*, 332 U.S. 19 (1947); *United States* v. *Louisiana*, 339 U.S. 699 (1950); *United States* v. *Texas*, 339 U.S. 707 (1950).

Court held the equal footing clause forbade them to retain. "Our Union," he declared, "is one of equal sovereigns, none entitled to preferment denied the others."

Justice Reed made reply. The fact that Alabama and Texas and all the other states involved in this attempted litigation were admitted into the Union upon an equal footing, he argued, does not affect the power of Congress to dispose of federal property. The equal footing concept does not require the courts to wipe out the economic diversities among the states; it calls only for parity as regards political standing and sovereignty. The power of Congress to cede property to one state without a corresponding cession to all states has been consistently recognized. He noted that in the tideland cases the Court had ruled that the federal government has paramount rights over the marginal sea, an incident of which is full dominion over the resources in the area. This incident, said Justice Reed, is a property right and Congress has unlimited power to dispose of it.

Furthermore, said Justice Reed, if the tidelands cases declared that the marginal lands belonged to the United States, then the 1953 Act ceded them to the states. If the marginal lands were not declared to belong to the United States, then title remained in the states. It follows that the lands are now the property of the states, either by original ownership or cession, and no other state can challenge such ownership. Finally, he maintained, the cession challenged here does not affect the power and responsibility of the United States as a sovereign to protect the country against its enemies. The federal government has the same duty in the marginal sea area that it has anywhere else. And the 1953 Act expressly declared that the United States retains "all its navigational servitude and rights in and powers of regulation and control . . . for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States. . . ." Thus, said Justice Reed, the Act does not authorize individual states to alter the historic relations of the states to ocean navigation.

5. FEDERAL JUDICIAL POWER

Case or Controversy. A union and several of its alien members brought an action to enjoin the District Director of Immigration and Naturalization at Seattle from so construing a section of the Immigration and Nationality Act of 1952 as to treat aliens domiciled in the continental United States returning from temporary work in Alaska as if they were aliens entering the country for the first time. The union had over 3,000 members, some of them aliens, who work every summer in the Alaska canneries. It claimed that if alien workers going to Alaska for the 1953 canning season were excluded, on their return, their contract property rights would be jeopardized and forfeited. The Supreme Court directed that the complaint be dismissed on the ground that nothing as

yet had happened.[52] Said Justice Frankfurter: "That is not a lawsuit to enforce a right; it is an endeavor to obtain a court's assurance that a statute does not govern hypothetical situations that may or may not make the challenged statute applicable. Determination of the scope and constitutionality of legislation in advance of its immediate adverse effect in the context of a concrete case involves too remote and abstract an inquiry for the proper exercise of the judicial function." The two dissenters, Justices Black and Douglas, thought that the threatened injury was not remote or hypothetical, since the District Officer had announced that he intended to enforce the statute as the union and its members feared. "Workers threatened with irreparable damages, like others," Justice Douglas declared, "should have their cases tried."

Declaratory Judgments. The Court also denied declaratory relief in the above case. The Court's tendency to limit the scope of the declaratory judgment procedure was also reflected in another case[53] where the issue was whether the California Public Utilities Commission had jurisdiction over air flights between California and Catalina Island, which, though a part of California, is 30 miles from the mainland. United Air Lines got a federal district court to issue a declaratory judgment to the effect that the Civil Aeronautics Board had exclusive jurisdiction. The Supreme Court reversed by a 6–2 vote, holding in another one-paragraph *per curiam* opinion that reversal was dictated by a 1952 case[54] which held in effect that the declaratory judgment procedure will not be used to prejudge issues committed for initial decision by an administrative body, particularly where one is asking a federal court to frustrate action by a state agency. In such situations review procedures are normally adequate to protect federal rights. The two dissenting Justices, Douglas and Reed, thought that the issue was clear-cut and the controversy real and substantial, and that nothing would be gained by requiring the petitioner to go through a long, laborious, and expensive administrative hearing before the state commission, and then work up through the courts, in order to present to the Supreme Court the legal question of what constitutes "high seas." Since the controversy could be settled by a ruling of law, they thought the Court ought to go ahead and rule on it.

Federal Tort Claims Act. Gilman, a United States government employee, had a collision while driving a government automobile. The injured party sued the United States, and the United States filed a third-party complaint against Gilman, asking that if it should be held liable to the other party, it have indemnity from Gilman. The district court found that the injuries were caused solely by Gilman's negligence, and entered judgment against the United States, and also for the United States in the same amount. While the right of indemnity is not expressly granted in the Tort Claims Act, the government argued that it

[52] *International Longshoremen's and Warehousemen's Union* v. *Boyd*, 347 U.S. 222 (1954).

[53] *Public Utilities Commission of California* v. *United Air Lines*, 346 U.S. 402 (1953).

[54] *Public Service Commission of Utah* v. *Wycoff Co.*, 344 U.S. 237 (1952).

should be implied, since a private employer has a common-law right of indemnity against an employee whose negligence has made the employer liable. All the Act says about the liability of government employees is that a judgment against the United States is "a complete bar" to any action by the claimant against the employee. The Supreme Court unanimously set aside the district court's judgment.[55] It took the position that many important policy questions are involved in the complex relations between the government and its employees, such as tenure, retirement, discharge, veterans preference, discipline, morale, and fiscal policy. Thus a policy of indemnification is appropriately the function of those who write the laws rather than of those who interpret them.

Judicial Review of Administrative Decisions.[56] Dickinson, a Jehovah's Witness, devotes some 150 hours a month to various religious activities, but receives no salary for his religious work, his entire income being derived from working an average of five hours a week as a radio repairman. His draft board denied his claim to a ministerial exemption, and when he refused to submit to induction he was convicted in a criminal prosecution, which the Supreme Court set aside by a 6–3 vote.[57] The statute defines the terms "duly ordained" and "regular" ministers of religion, and declares that they do not include a person "who irregularly and incidentally preaches and teaches the principles of religion," or a duly ordained minister "who does not regularly, as a vocation, teach and preach the principles of religion." The Act also declares that the classification orders of the selective service authorities shall be "final." But in 1946, in the *Estep* case,[58] the Court had ruled that while "final" precludes the customary scope of judicial review, and means that courts are not to weigh the evidence to determine whether the classification made by the local boards was justified, the board may not act without jurisdiction, and lacks jurisdiction "if there is no basis in fact for the classification which it gave the registrant."

While the ministerial exemption is a narrow one, the Court ruled that Dickinson met the statutory criteria: he had been ordained in accordance with the ritual of his sect, he taught and preached regularly and conducted public worship as a vocation, and it is no concern of the Court that his sect is unorthodox. Furthermore, it was held that the statutory definition does not preclude all secular employment, since many preachers, even in the more traditional sects, may not have congregations that can pay a living wage. Congress did not intend to discriminate against those who minister to the poor.

The Court conceded that the local draft boards are not courts, and are not bound by traditional rules of evidence, and that if the facts are disputed the board has the ultimate responsibility for making a decision and the courts will not interfere. Nor will the courts apply the "substantial evidence" test. But

[55] *United States* v. *Gilman*, 347 U.S. 507 (1954).

[56] See the invaluable article by Bernard Schwartz, "The Administrative Procedure Act in Operation," *New York University Law Review*, Vol. 29, pp. 1173–1264 (June, 1954).

[57] *Dickinson* v. *United States*, 346 U.S. 389 (1953).

[58] *Estep* v. *United States*, 327 U.S. 114 (1946).

here all the evidence in the record was in favor of Dickinson, and there was no affirmative evidence to support the local board's finding. The board has ample means for getting information: it may question the registrant under oath, subpoena witnesses and documents, get information from state and national governmental authorities, and call upon the investigative agencies of the federal government. But, said Justice Clark, "when the uncontroverted evidence supporting a registrant's claim places him prima facie within the statutory exemption, dismissal of the claim solely on the basis of suspicion and speculation is both contrary to the spirit of the Act and foreign to our concepts of justice."

This decision seems to come to this: that while a draft board classification is "final," and is not subject to ordinary review in the courts, a measure of collateral review, either in a habeas corpus action or a criminal prosecution, is possible in the sense that the courts will inquire whether the board had "jurisdiction." Once the registrant has demonstrated that he falls within the exemption, then the board cannot make a decision merely by refusing to believe his evidence, but must develop other evidence to support its conclusion. The three dissenting Justices protested that there was nothing in the Act which requires the board to build a record of affirmative evidence to justify its classification. They thought that the factual question was left entirely to the board. Furthermore, they noted that the usual rule is that one who claims the benefit of an exemption in a statute carries the burden of proving that he is entitled to it. They insisted that in the absence of affirmative proof by the registrant that the board had misconstrued the law or acted arbitrarily, the board's decisions are final and not subject to judicial review. Whether there is sufficient evidence to grant the exemption was left by Congress wholly with the board. But the dissenters did not explain the nature of review if the courts examined the question of whether the decision was "arbitrary."

Admiralty Jurisdiction. Eight individuals who owned interests aggregating 85 per cent of a ship certificated under the maritime laws of the United States brought an action in a California state court for a partition sale and division of the proceeds. The ninth co-owner, who had a 15 per cent interest, challenged the jurisdiction of the state court, arguing that only a United States district court sitting in admiralty could take jurisdiction. The Supreme Court held, for the first time, that the power of admiralty was broad enough for a federal district court to order vessels sold for partition, but it also held that this power was not exclusively national.[59] The Court noted that since 1789 the statutory grant of admiralty and maritime jurisdiction has included a clause which now reads, "saving to suitors in all cases all other remedies to which they are otherwise entitled" (U. S. Code, Title 28, Section 1333). Justice Black declared that the admiralty jurisdiction is exclusive only as to maritime proceedings *in rem*, "that is, where a vessel or thing is itself treated as the offender and made the

[59] *Madruga* v. *Superior Court of California*, 346 U.S. 556 (1954). See Note, "From Judicial Grant to Legislative Power: The Admiralty Clause in the Nineteenth Century," *Harvard Law Review*, Vol. 67, pp. 1214–37 (May, 1954).

defendant by name or description in order to enforce a lien." But the statute makes it competent for state courts to hear maritime causes of action in proceedings *in personam*, that is, where the defendant is a person, not a ship. State courts may hear such cases so long as they do not attempt to change substantive maritime law. The Court treated this partition action as a quarrel between persons, and therefore not *in rem* in the admiralty sense. The reason given was that the state court would act only on the interests of the parties, and would not affect the interest of others in the world at large, as it would if this were a proceeding *in rem* to enforce a lien. There is no federal substantive rule, either statutory or judge-made, dealing with partitions, and in view of the small number of cases on the subject, and their essentially local character, the Court decided to leave well enough alone and not fashion one itself. Two dissenting Justices thought that since the jurisdiction of the state court was invoked exclusively for the sale of a vessel, this was an *in rem* proceeding.

In another case the Court held that an action by a carpenter for an injury incurred while working on a ship berthed on navigable waters is a maritime tort governed by national substantive as well as procedural law.[60] The Tompkins Rule does not apply, since it deals only with state-created causes of action. Nor did it make any difference that the action was brought on the "law side" rather than the "admiralty side" of the federal district court. One's rights do not depend upon which label is used.

Suits between States. Arkansas filed a motion asking for leave to file a complaint in the original jurisdiction of the Supreme Court charging that Texas was interfering illegally with a contract entered into by the University of Arkansas and a Texas Foundation, under which the Foundation agreed to contribute $50,000 for hospital construction. The Attorney General of Texas filed a suit in the Texas courts to enjoin the Foundation on the ground that under Texas law the trust funds of the Foundation must be spent for the benefit of Texas residents. The Court ruled that the Foundation was not an indispensable party to the suit, since the controversy was between the two states.[61] The Court also rejected the contention that the University of Arkansas and not the state was the injured party, since the University is an official state instrumentality created by the legislature. All members of the Court agreed that whether the Texas Foundation can spend money on a project in Arkansas is a question of Texas law. But five Justices ruled that the Arkansas motion ought to be continued until the Texas litigation is concluded, to see whether that litigation resolves the whole controversy, or leaves some federal questions for further consideration. Four dissenting Justices thought that the motion should be denied outright. If the Texas courts cannot decide with finality on the validity and interpretation of its own charter and trust instrument, said Justice Jackson,

[60] *Pope & Talbot, Inc.* v. *Hawn*, 346 U.S. 406 (1953). A conflict between a federal statute and a state law was resolved, in the case of a marine insurance claim arising from a maritime accident, in favor of the applicability of the state law. *Maryland Casualty Co.* v. *Cushing*, 347 U.S. 409 (1954).

[61] *Arkansas* v. *Texas*. 346 U.S. 368 (1953). See the Annotation in 98 L. Ed. 85.

"then there is little left of the original conception of state power." He thought it improper for the Court to "ride herd" on the Texas courts on the assumption that they might deny Arkansas some federal right.

Relations with State Courts. The Court ruled that in view of the fact that exclusive jurisdiction over a particular labor controversy was vested in the National Labor Relations Board, a federal district court could, on application of the Board, enjoin enforcement of an injunction already obtained from a state court.[62] Ordinarily federal courts seek to avoid needless conflict with state agencies, but it was pointed out that where Congress has vested in a federal agency exclusive jurisdiction over a subject matter, and intrusion of a state would result in a conflict of functions, the federal court may enjoin the state proceeding in order to preserve the federal right.

II. QUESTIONS OF STATE POWER

1. DUE PROCESS OF LAW

Police Power and the Licensing of Professions. Civil liberties issues continued to loom large in the constitutional litigation reaching the Supreme Court.[63] An

[62] *Capital Service* v. *NLRB*, 347 U.S. 501 (1954). See the Annotation in 98 L. Ed. 892. Consult: Morris D. Forkosch, *A Treatise on Labor Law* (Indianapolis, 1953); Edgar A. Jones, Jr., "The Right to Picket—Twilight Zone of the Constitution," *University of Pennsylvania Law Review*, Vol. 102, pp. 995–1029 (June, 1954); George Rose, "Is the NLRB Tampering with Freedom of Speech?" *University of Pittsburgh Law Review*, Vol. 15, pp. 462–92 (Spring, 1954).

[63] There were a great many publications during the period under review on civil liberties subjects. See C. Herman Pritchett, *Civil Liberties and the Vinson Court* (Chicago, 1954); Jacobus tenBroek, E. N. Barnhart, and F. W. Matson, *Prejudice, War and the Constitution* (Berkeley, 1954); Louis Ruchames, *Race, Jobs, and Politics: The Story of FEPC* (New York, 1953); Henry Steele Commager, *Freedom, Loyalty, Dissent* (New York, 1954); G. Bromley Oxnam, *I Protest* (New York, 1954); Arthur Powell Davies, *The Urge to Persecute* (Boston, 1953); Norman Thomas, *The Test of Freedom* (New York, 1954); Dan Gillmor, *Fear, the Accuser* (New York, 1954); Granville Hicks, *Where We Came Out* (New York, 1954); Bradford Smith, *A Dangerous Freedom* (New York, 1954); Alfred H. Kelly, *Where Constitutional Liberty Came From* (Carrie Chapman Catt Memorial Fund, New York, 1954); William O. Douglas, *An Almanac of Liberty* (New York, 1954); Milton R. Konvitz, *Bill of Rights Reader* (Ithaca, 1954); Harold Taylor, *On Education and Freedom* (New York, 1954); Peter Bachrach, *Problems in Freedom* (Harrisburg, 1954); American Jewish Congress and National Association for the Advancement of Colored People, *Civil Rights in the United States—1953* (New York, 1954); Symposium on "Community Security vs. Man's Right to Knowledge," *Columbia Law Review*, Vol. 54, pp. 667–829 (May, 1954); Bernard Schwartz, "Civil Liberties and the 'Cold War' in the United States," *Canadian Bar Review*, Vol. 31, pp. 392–427 (April, 1953); Franz L. Neumann, "The Concept of Political Freedom," *Columbia Law Review*, Vol. 53, pp. 901–35 (Nov., 1953); H. D. Hamilton, "Legislative and Judicial History of the Thirteenth Amendment," *National Bar Journal*, Vol. 10, pp. 7–85 (March, 1952); Lois G. Forer, "Some Aspects of Civil Liberties in Pennsylvania," *University of Pittsburgh Law Review*, Vol. 15, pp. 431–61 (Spring, 1954); Glenn Abernathy, "The Right of Association," *South Carolina Law Quarterly*, Vol. 6, pp. 32–77 (Sept., 1953); W. J. Brockelbank, "The Role of Due Process in American Constitutional Law," *Cornell Law Quarterly*, Vol. 39, pp. 561–91 (Summer, 1954); Paul G. Kauper, "Church, State, and Freedom: A Review," *Michigan Law Review*, Vol. 52, pp. 829–48

important police power question was considered in *Barsky* v. *Board of Regents of New York*.[64] Dr. Barsky, one-time chairman of the board of the Joint Anti-Fascist Refugee Committee, refused in 1946 to produce books and records for the House Committee on Un-American Activities, and for this he was convicted in 1947 in the District Court of the District of Columbia and sentenced to six months in jail and a $500 fine.[65] Dr. Barsky had received a license to practice medicine in New York in 1919. In 1948 charges were filed with the Department of Education against him, under a section of the state education law which provides that the license of a doctor may be revoked, suspended, or annulled, or he may be reprimanded, in any case where he "has been convicted in a court of competent jurisdiction, either within or without this state, of a crime. . . ." In 1951 Dr. Barsky was given an extended hearing before three doctors constituting a subcommittee of the Department's Medical Committee on Grievances, which recommended suspension from practice for three months. The full Grievance Committee of ten doctors unanimously found Dr. Barsky guilty as charged, but by a 6-4 vote recommended a six months' suspension. Promptly, the Committee on Discipline of the Board of Regents, consisting of two lawyers and one doctor, held a further hearing, and as a reviewing committee recommended merely a censure and reprimand. The Board of Regents sustained the determination of the Medical Committee on Grievances and suspended Dr. Barsky's license for six months.

Six Justices of the Supreme Court, speaking through Justice Burton, could find no violation of the Constitution in this proceeding. It was ruled that whether Dr. Barsky committed a crime within the meaning of the state statute was wholly for the Court of Appeals of New York to decide conclusively. While the statute is very broad, and even harsh, because as interpreted by the New York courts it extends to convictions for any crime in any court, Justice Burton concluded that the statute was not unconstitutionally vague, since the professional standard is clear, and no discretion is left to the enforcing officers to define the offense. Above all, the Court emphasized that the state police power in the health field is great, and that the state has broad powers to establish and enforce standards of conduct. The practice of medicine is "a privilege granted by the State under its substantially plenary power to fix the terms of admis-

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(April, 1954); Loren P. Beth, "The Wall of Separation and the Supreme Court," *Minnesota Law Review*, Vol. 38, pp. 215–27 (Feb., 1954); Clay P. Malick, "Terry v. Adams: Governmental Responsibility for the Protection of Civil Rights," *Western Political Quarterly*, Vol. 7, pp. 51–64 (March, 1954); Chester J. Antieau, "The Federalism of Freedom," *Kentucky Law Journal*, Vol. 42, pp. 404–22 (March, 1954). See also Special Subcommittee on Security Affairs, Senate Committee on Foreign Relations, *Federal Case Law Concerning the Security of the United States*, a legal survey by the Library of Congress (Committee Print, 83d Cong., 2d sess.); James Burnham, *The Web of Subversion* (New York, 1954).

[64] 347 U.S. 442 (1954). See the Annotation in 98 L.Ed. 851. See also Warner O. Chapman and Oliver P. Field, *Indiana Licensing Law* (Bureau of Government Research, Indiana University, 1953).

[65] The Court of Appeals of the District affirmed, and the Supreme Court denied certiorari, 334 U.S. 843 (1948).

sion," and the state's legitimate concern extends beyond initial licensing to include continuing supervision. Finally, the Court held that the standard in this case did not exceed reasonable supervision, ruling that it was immaterial that in this case the offense did not involve moral turpitude and was not criminal under the law of New York. It was noted that the termination of license was not automatic, and that the actual measure of discipline was left to the judgment of a qualified board of doctors. The statute is not unreasonable, since the elements of due process are present: hearing by a professionally qualified board, written charges, due notice, representation by counsel, production of witnesses and evidence, right of cross-examination, right to subpoena, and due review, including judicial review. It was concluded that this procedure was well within due process "in a field so permeated with public responsibility as that of health." The Court rejected the argument that due process had been denied because immaterial and prejudicial evidence was introduced, such as evidence regarding the alleged subversive activities of the Refugee Committee, and especially evidence that it has been placed on the Attorney General's list. This testimony, it was argued, was invited by the fact that Dr. Barsky himself introduced evidence regarding the Committee's activities in order to justify his failure to produce the subpoenaed papers. Furthermore, it was noted that the report of the original subcommittee indicates that it was not influenced by the character of the Refugee Committee. The Committee on Discipline had pointed out that in view of the *McGrath* case,[66] no evidentiary weight was given to the Attorney General's listing.

Each of the three dissenting Justices filed an opinion. Justice Black argued that Dr. Barsky's refusal to give the House Committee the records had been on the reasonable advice of counsel that the Committee's subpoena transcended its constitutional powers. Furthermore, the Refugee Committee had been advised that the only way it could raise its constitutional claim was for the executives to risk jail by refusing to obey the subpoena. In addition, Justice Black took the position that the charge against Dr. Barsky was unrelated to his abilities as a physician, and that on the contrary there was a great deal of testimony in the record that he was a skillful doctor and a good citizen. He argued, finally, that the state procedure violated the federal Constitution in two respects: first, the state used as probative evidence "an attainder published by the Attorney General of the United States in violation of the Constitution"; second, the Regents exercised arbitrary powers, a mixture of executive, judicial, and legislative powers, without being bound by legislatively-defined and judicially-reviewable standards. It would seem, he maintained, that in New York a doctor's right to practice his profession rests on no more than the mere will of the Regents. Justice Frankfurter emphasized that due process was denied because the revocation rested on arbitrary considerations which the New York Court of Appeals said it could not review. A rule of law which denies all relief for arbitrary action implicitly sanctions it. Justice Douglas stressed the im-

[66] *Joint Anti-Fascist Refugee Committee* v. *McGrath*, 341 U.S. 123 (1951).

portance of a man's right to work, and argued that Dr. Barsky had been suspended because he had unpopular ideas and belonged to a group on the Attorney General's list. His "crime" was no more than a justifiable mistake concerning his constitutional rights. And he concluded: "So far as I know, nothing in a man's political beliefs disables him from setting broken bones or removing ruptured appendixes, safely and efficiently. A practicing surgeon is unlikely to uncover many state secrets in the course of his professional activities. When a doctor cannot save lives in America because he is opposed to Franco in Spain, it is time to call a halt and look critically at the neurosis that has possessed us."

Censorship of Motion Pictures. A New York board refused a license for the exhibition of a movie entitled *La Ronde* on the ground that it was "immoral" and "would tend to corrupt morals" within the meaning of a state statute. An Ohio board denied a license for a film called *M* on the statutory ground that it was "harmful." The highest courts of the two states sustained such censorship. The Supreme Court reversed unanimously in a *per curiam* opinion which merely cited the *Burstyn* case[67] as authority.[68] Justice Douglas, with whom Justice Black signified agreement, filed a short concurring opinion to argue that censorship of motion pictures was as bad as any other form of censorship, since "the First Amendment draws no distinction between the various methods of communicating ideas." Since the *Burstyn* case was concerned only with the censorship standard "sacrilegious," it is regrettable that the Court did not elaborate upon the problems of permissible film censorship posed by the Ohio and New York statutes, and it is submitted that this will some day have to be done, since the Court obviously does not mean to imply that the state has no censorship powers at all over motion pictures, whatever their character.

Coerced Confessions. The constitutional law dealing with the use of coerced confessions by state courts, which is forbidden by due process, was expanded significantly in *Leyra* v. *Denno*,[69] decided by a 5–3 vote. Leyra was arrested and

[67] *Burstyn* v. *Wilson*, 343 U.S. 495 (1952).

[68] *Superior Films, Inc.* v. *Department of Education of Ohio*, 346 U.S. 587 (1954). The problems presented by this case were widely commented on: Edward Lasker, "Censorship of Motion Pictures Pursuant to Recent Supreme Court Decisions," *U.C.L.A. Law Review*, Vol. 1, pp. 582–92 (June, 1954); Charles E. Desmond, "Censoring the Movies," *Notre Dame Lawyer*, Vol. 29, pp. 27–36 (Fall, 1953); Albert W. Harris, Jr., "Movie Censorship and the Supreme Court: What Next?" *California Law Review*, Vol. 42, pp. 122–38 (Spring, 1954); Note, *University of Pennsylvania Law Review*, Vol. 102, pp. 671–74 (March 1954); Note, "Motion Picture Censorship: The Aftermath of Burstyn v. Wilson," *Northwestern University Law Review*, Vol. 49, pp. 390–99 (July–Aug., 1954). For other free speech problems see First Conference on Intellectual Freedom, *Freedom of Communication* (New York, 1954); Charles L. Black, Jr., "He Cannot Choose but Hear: the Plight of the Captive Auditor," *Columbia Law Review*, Vol. 53, pp. 960–72 (Nov., 1953); William B. Lockhart and Robert C. McClure, "Literature, the Law of Obscenity, and the Constitution," *Minnesota Law Review*, Vol. 38, pp. 295–395 (March, 1954).

[69] 347 U.S. 556 (1954). For discussions of this and related problems see M. G. Paulsen, "The Fourteenth Amendment and the Third Degree," *Stanford Law Review*, Vol. 6, pp. 411–37 (May, 1954); A. W. Scott, Jr., "Federal Control over Use of Coerced Confessions in State Criminal Cases—Some Unsettled Problems," *Indiana Law Journal*, Vol. 29, pp. 151–60 (Winter, 1954), "State Criminal Procedure, the Fourteenth Amendment, and

charged with the murder of his aged parents in Booklyn. After being questioned by the police for the greater part of four days, he complained of an acutely painful attack of sinus, and the police promised to get a doctor. What they actually did was to get a psychiatrist with a considerable knowledge of hypnosis. Instead of giving Leyra medical aid, the doctor, working in a room which was wired, "by subtle and suggestive questions simply continued the police effort" to get the accused to admit guilt. The doctor used his techniques to break the will of the accused, and in addition held out promises of leniency. The answers to the doctor's questions indicate a mind dazed and bewildered. Immediately after the questioning by the doctor, a police captain and later two state prosecutors secured confessions. A first conviction was set aside by the New York Court of Appeals on the ground that the confession made to the state-employed psychiatrist had been extorted by coercion and promises of leniency in violation of due process. At the second trial the invalidated confession was not used, but the other confessions which followed it the same day were admitted over objection, the judge submitting to the jury the question of their voluntariness. The jury convicted again and Leyra was sentenced to death. The New York Court of Appeals affirmed, holding that there was evidence to support a finding that the confessions used in the second trial were free from the coercive influences of the previous one.

The Supreme Court reversed, holding that the Fourteenth Amendment forbids the use in a state criminal trial of a confession secured by either physical or mental coercion, and that the accused did not have mental freedom when he made the later confessions. The majority ruled that the relation between the confessions was so close that the character of the first one controlled the others. "All were simply parts of one continuous process," all in the same place within a few hours. The three dissenting Justices maintained that since the question of whether the later confessions were coerced was submitted to the jury under clear and ample instructions, the very essence of due process had been observed. Justice Minton could recall no case where the Court has ruled that as a matter of law an invalid confession *ipso facto* invalidates all later confessions.

Self-Incrimination. Adams was summoned to testify before Senator Kefauver's Senate crime investigating committee, and confessed to running a gambling business in Maryland. This confession was later used to convict him of violating Maryland's anti-lottery laws, and he was fined $2,000 and sentenced to seven years in jail. Section 3486 of Title 18 of the U. S. Code provides that no testimony given by a witness in congressional inquiries "shall be used

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Prejudice," *Northwestern University Law Review*, Vol. 49, pp. 319–32 (July–Aug., 1954); Francis A. Allen, "Due Process and State Criminal Procedures: Another Look," *Northwestern University Law Review*, Vol. 48, pp. 16–35 (March–April, 1953); John A. Gorfinkel, "The Fourteenth Amendment and State Criminal Proceedings—'Ordered Liberty' or 'Just Deserts'," *California Law Review*, Vol. 41, pp. 672–91 (Winter, 1953–54); Dwight MacDonald, "The Lie-Detector Era," *The Reporter*, Vol. 10, pp. 10–18 (June 8, 1954), pp. 22–29 (June 22, 1954). See also Ernest W. Puttkammer, *Administration of Criminal Justice* (Chicago, 1953).

as evidence in any criminal proceeding against him in any court. . . ," except in a prosecution for perjury. The Supreme Court of Maryland held that Adams had waived the statutory "privilege" by testifying "voluntarily," and that Section 3486 applies only to federal courts. When the case was argued before the United States Supreme Court, Maryland also maintained that Congress is without constitutional power to bar the use of testimony before congressional committees in state courts. By unanimous vote the Supreme Court set the conviction aside.[70]

Justice Black noted, for the Court, that Adams did not volunteer; he was summoned, and he could have been fined and sent to jail for not appearing. Furthermore, his testimony was wrung from him by persistent questioning. It is true that Adams did not claim his Fifth Amendment privilege and refuse to answer questions, but the Act does not require such a claim in order that a witness may feel secure that his testimony will not be used to convict him of crime. Furthermore it was held that the Act does not bar use of committee testimony in federal courts only. It speaks of "any court," and "language could be no plainer." Finally, Justice Black ruled that there is no doubt of the power of Congress to bar state courts from convicting a person for crime on the basis of evidence he had given to help the national legislative bodies carry on their governmental functions. Since Congress has the power to summon witnesses before either chamber or their committees, giving this statutory immunity is a necessary and proper means of inducing witnesses to testify. Federal law is

[70] *Adams* v. *Maryland*, 347 U.S. 179 (1954). For writings dealing with various issues raised in this case, and related questions, see Claude H. Brown, "Immunity for Witnesses in Congressional Hearings," *UCLA Law Review*, Vol. 1, pp. 183–94 (Feb., 1954); Robert G. Dixon, Jr., "The Fifth Amendment and Federal Immunity Statutes," *George Washington Law Review*, Vol. 22, pp. 447–80, 554–81 (March, April, 1954); L. A. Huard, "Fifth Amendment—An Evaluation," *Georgetown Law Journal*, Vol. 42, pp. 345–77 (March, 1954); Erwin N. Griswold, "The Fifth Amendment," *Massachusetts Law Quarterly*, Vol. 39, pp. 44–59 (April, 1954); L. B. Boudin, "Immunity Bill," *Georgetown Law Journal*, Vol. 42, pp. 497–528 (May, 1954); Hugh Scott and Rufus King, "Rules for Congressional Committees: An Analysis of House Resolution 447," *Virginia Law Review*, Vol. 40, pp. 249–72 (April, 1954); Symposium on "Legislative Investigations: Safeguards for Witnesses," *Notre Dame Lawyer*, Vol. 29, pp. 157–285 (Winter, 1954); Will Maslow, "Fair Procedure in Congressional Investigations: A Proposed Code," *Columbia Law Review*, Vol. 54, pp. 839–92 (June, 1954); Herbert Brownell, Jr., "Immunity from Prosecution versus Privilege against Self-Incrimination," *Tulane Law Review*, Vol. 28, pp. 1–21 (Dec., 1953), and "The Public Security and Wire Tapping," *Cornell Law Quarterly*, Vol. 39, pp. 195–212 (Winter, 1954); William P. Rogers, "The Case for Wire Tapping," *Yale Law Journal*, Vol. 63, pp. 792–98 (April, 1954); Richard C. Donnelly, "Comments and Caveats on the Wire Tapping Controversy," *Yale Law Journal*, Vol. 63, pp. 799–810 (April, 1954); Clark Byse, "Teachers and the Fifth Amendment," *University of Pennsylvania Law Review*, Vol. 102, pp. 871–83 (May, 1954); Francis W. Coker, "Academic Freedom and the Congressional Investigations: Free Speech and the Silent Professor," *Journal of Politics*, Vol. 16, pp. 491–508 (Aug., 1954); Note, "Mandatory Dismissal of Public Personnel and the Privilege against Self-Incrimination," *University of Pennsylvania Law Review*, Vol. 101, pp. 1190–1204 (June, 1953); Emanuel Margolis, "The Plea of Privilege against Self-Incrimination by United Nations Employees," *Virginia Law Review*, Vol. 40, pp. 283–309 (April, 1954).

the supreme law of the land, and state courts are bound thereby, even though the Act affects their rules of practice. Justice Jackson wrote a concurring opinion to emphasize that it does not matter whether Adams had been a voluntary or involuntary witness, or whether or not he raised the question of his immunity under the Fifth Amendment, since one does not lose the protection of the Act because he is cooperative or even an interested witness. Its purpose is to encourage cooperation by protecting it. He did not believe that this would interfere with Maryland, since she is free to work up her own case; she but cannot use the evidence worked up by Congress.

Irvine v. *California*,[71] in which the Justices divided 5–4, presented more complex due process issues. Irvine was convicted in a California court for horse-race bookmaking. When arrested, he had on his person a federal wagering tax stamp bearing his name and address. Over objection, the stamp and other documentary evidence from the office of the United States Collector of Internal Revenue, received under the Gamblers' Occupational Tax Act of 1951, which the Court had upheld in the *Kahriger* case,[72] were admitted at the trial. The majority ruled that the taxing act does not make records and stamps confidential or privileged. On the contrary, it expressly requires the name and address of each such taxpayer to be made public. The statute also states expressly that payment of the tax does not exempt any person from penalty or punishment under state law, and is not a federal license to conduct the wagering business. Justice Black, who had dissented in *Kahriger* on Fifth Amendment grounds, argued that it was just as objectionable to find a man guilty of a state crime on evidence extorted from him by the federal government in violation of the Fifth Amendment. But if the federal law is valid, he maintained that *use* of a forced confession to convict the confessor still amounts to compelling a person to testify against himself. He thought it "wholly conceptualistic" to treat the state and federal governments as entirely foreign to each other.

There was another due process issue in the case, arising from the methods used by the police in gathering evidence. While Irvine and his wife were absent from their home, the police made entry and installed a concealed microphone in the hall of the house, and wires were strung to a neighboring garage, where officers listened in. Later the microphone was moved to the bedroom, and still later to a closet. At the trial, officers were allowed to testify to conversations heard through their listening installations. Justice Jackson, who spoke for four members of the majority in this case, found no violation of the Federal Communications Act, since no telephone facilities were used, and there had been no interference with the communications system. While he denounced this obvious police trespass as "almost incredible," and as clearly a violation of the Fourth Amendment if it had been done by federal officers, he regarded as decisive the holding in *Wolf* v. *Colorado*[73] to the effect that in a prosecution in a state court

[71] 347 U.S. 128 (1954). See Note, "The Federal Taxing Power and Regulation of Crime," *Indiana Law Journal*, Vol. 29, pp. 377–408 (Spring, 1954).

[72] *United States* v. *Kahriger*, 345 U.S. 22 (1953).

[73] 338 U.S. 25 (1949).

for a state crime the Fourteenth Amendment does not forbid the admission of evidence obtained by an unreasonable search and seizure. He maintained that the invasion of privacy was just as offensive in *Wolf* as here, and that the rationale sustaining the decision in *Wolf* was still persuasive. He went so far as to argue that there is no justification for imposing upon the state courts, who carry the chief burden of administering justice, the hazard of federal reversal for noncompliance with Fourth Amendment standards as to which the Justices themselves have been inconstant and inconsistent. Indeed, he was not too sure that the federal exclusionary rule, first announced in 1914 in the *Weeks* case,[74] has done much good in curtailing unreasonable searches and seizures. He noted that there was no reliable evidence that those who live in states which exclude such evidence suffer less from lawless searches and seizures than those who live in states that admit such evidence. In fact, he pointed out that even the Supreme Court has not seen fit to exclude illegally seized evidence if secured by private detectives. Finally, Justice Jackson maintained that rejecting the evidence will do nothing to punish the wrong-doing official, while it may and probably will release the wrong-doing defendant.

Chief Justice Warren joined Justice Jackson in suggesting that the record of this case ought to be forwarded to the Attorney General for possible prosecution under Section 242 of the Criminal Code, which makes it an offense for anyone under color of law to deprive a citizen of his federal rights. Justice Black thought this was a highly improper thing for a judge to do. Justice Douglas also argued that a federal prosecution was futile, the only effective sanction being exclusion of evidence.

In a separate concurring opinion, Justice Clark, whose vote was crucial, declared that if he had been on the Court in 1949, when *Wolf* was decided, he would have favored applying the exclusionary doctrine of the *Weeks* case; but as long as *Wolf* remains the law, he thought it was entitled to respect.

The principal dissenting opinion was written by Justice Frankfurter, who argued that the Fourteenth Amendment does put limits to the wide discretion of a state in the process of enforcing its criminal law. It is now established, he noted, that a state is not free to resort to methods that offend civilized standards of decency and fairness. He insisted that what happened here violated due process. A state is not free to get a conviction by any form of skullduggery so long as it does not use physical violence. Furthermore, the Court has rejected the notion that a conviction which stands on incontestable proof of guilt may stand no matter how the proof was secured. "Observance of due process has to do not with questions of guilt or innocence but the mode by which guilt is ascertained." In short, Justice Frankfurter believes that the due process issue must be considered on a case-to-case approach, in the light of each set of facts. Justice Jackson preferred a general rule, which is to leave the whole matter to the states, in the absence of physical coercion.

Jurisdiction to Tax. The Supreme Court has consistently taken a more gen-

[74] *Weeks* v. *United States*, 232 U.S. 383 (1914).

erous view of the state's power to collect use taxes from out-of-state vendors, so far as due process is concerned, than it has in the case of sales taxes. But in *Miller Bros. Co.* v. *Maryland*[75] the Court finally attempted to draw a line in connection with a use tax which Maryland requires every vendor to collect from residents. Miller is a Delaware corporation, selling directly only to customers in its store in Wilmington. Residents of nearby Maryland come to the Miller store and make purchases, some of which they carry away, and some of which are delivered to them in Maryland either by common carrier or by Miller's own truck. Finding Miller's truck in Maryland, the state seized it, and the state's highest court held it liable for the use tax on all goods sold in the Delaware store to Maryland residents, however delivered. Maryland advanced the following grounds for holding the Delaware vendor liable: (1) Miller advertised with Delaware papers and radio stations which, though not specially directed to Maryland inhabitants, were known to reach the notice of Maryland inhabitants; (2) Miller occasionally mailed sales circulars to all former customers, including customers in Maryland; (3) Miller delivered some purchases by common carrier consigned to Maryland addresses; (4) Miller delivered other purchases by its own trucks to Maryland locations.

A bare majority of five Justices held that these factors do not establish the state's power to impose upon this out-of-state merchant the duty to collect and remit a purchaser's use tax. The liability against the Delaware vendor is predicated upon the use of the goods in another state by other persons. While it was conceded that the decisions in this new area of taxation are not altogether clear, it is established, said Justice Jackson, "that due process requires some definite link, some minimum connection, between a state and the person, property or transaction it seeks to tax." Thus something more substantial than mere presence in transit, such as domicile or residence, is an adequate basis for taxation, and a state may tax the keeping of tangible or intangible property in the state, or the use or sale of property therein, or the use of its highways, or incorporation or permission to do business. But the Court has ruled that Maryland could not have reached this Delaware vendor with a sales tax,[76] and *a fortiori* it cannot apply a use tax. For it would be strange, Justice Jackson observed, to make the out-of-state vendor more vulnerable to liability for another's tax than to a tax on itself.

Speaking for the four dissenters, Justice Douglas argued that a use tax is essential to protect the sales tax, that there was judicial precedent for what Maryland had done,[77] and that this was not a case of minimal contact between

[75] 347 U.S. 340 (1954).

[76] *McLeod* v. *Dilworth Co.*, 322 U.S. 327 (1944). Here the Court held that a state could not tax the sales of an out-of-state vendor where title passed before delivery to the carrier in the state of origin, and no collections were made in the taxing state.

[77] *General Trading Co.* v. *State Tax Commission*, 322 U.S. (1944). Here the Court ruled that an out-of-state vendor who used travelling salesmen to solicit orders locally could be required to collect use taxes. It is interesting to note that the two precedents upon which the majority and minority relied in the instant case had been decided on the same day.

the vendor and the collecting state. As long as the vendor chooses to do some business in Maryland, he thought that due process did not prevent Maryland from making it a collector for taxes on sales which the seller knew were destined for Maryland homes.

2. EQUAL PROTECTION OF THE LAWS

School Segregation. A large part of the struggle for equal rights for Negroes has taken place in the Supreme Court. Here victories have been won in recent years vindicating the right of Negroes to serve on juries without discrimination, to vote in primaries, to have equal access to employment, and to purchase property without the hindrance of restrictive covenants. Even in the field of higher education the Court struck down barriers to Negro participation on equal terms.[78] But the rule of *Plessy* v. *Ferguson*,[79] adopted in 1896, that "separate but equal" facilities satisfy the demands of the Equal Protection Clause persisted until May 17, 1954, when the Court finally rejected it in a group of five cases, four coming up from as many states and one from the District of Columbia. They will probably be known as the *Segregation Cases*.[80] Beyond any doubt this was the most important and most widely-publicized decision of the Term, and there can be no questioning the fact that it will rank as one of the great landmark cases of our legal history. For now indeed has Justice Harlan's celebrated declaration in his dissenting opinion in the *Plessy* case, that "our Constitution is color-blind," been adopted as law.

The state cases came up from Kansas, South Carolina, Virginia, and Delaware. The Kansas law permitted but did not require segregation in the public schools, and Topeka elected to segregate. Relief had been denied by a federal district court on the ground that the white and Negro schools were substantially

[78] *Missouri ex rel. Gaines* v. *Canada*, 305 U.S. 337 (1938); *Sipuel* v. *Board of Regents*, 332 U.S. 631 (1948); *Sweatt* v. *Painter*, 339 U.S. 629 (1950); *McLaurin* v. *Oklahoma State Regents*, 339 U.S. 637 (1950). The vote in the Missouri case was 7–2; the Court was unanimous in the others.

[79] 163 U.S. 537.

[80] The state cases are grouped as *Brown* v. *Board of Education of Topeka*, 347 U.S. 483 (1954). The District of Columbia case is *Bolling* v. *Sharpe*, 347 U.S. 497 (1954). The writings on the subject of these cases during the period under review were understandably voluminous. See Harry S. Ashmore, *The Negro and the Schools* (Chapel Hill, N.C., 1954); Paul G. Kauper, "Segregation in Public Education: The Decline of Plessy v. Ferguson," *Michigan Law Review*, Vol. 52, pp. 1137–58 (June, 1954); H. J. Graham, "Fourteenth Amendment and School Segregation," *Buffalo Law Review*, Vol. 3, pp. 1–24 (Winter, 1953); Edward F. Waite, "Race Segregation in the Public Schools: Jim Crow at the Judgment Seat," *Minnesota Law Review*, Vol. 38, pp. 612–21 (May, 1954); Symposium on "Segregation in the Public Schools," *Journal of Public Law*, Vol. 3, pp. 5–170 (Spring, 1954); Note, "Potentialities of Equal Protection as an Implement of Judicial Review," *Indiana Law Journal*, Vol. 29, pp. 189–206 (Winter, 1954); Public Affairs Pamphlet No. 209, *Segregation and the Schools* (June, 1954); Pamela Rice, "A Legislative Attack on Educational Discrimination," *Journal of Negro Education*, Vol. 23, pp. 99–106 (Winter, 1954). See also Robert B. McKay, "Segregation and Public Recreation," *Virginia Law Review*, Vol. 40, pp. 697–731 (Oct., 1954); Lee Nichols, *Breakthrough on the Color Front* (New York, 1954); Rayford W. Logan, *The Negro in American Life and Thought* (New York, 1954).

equal in such matters as buildings, transportation, curriculum, and educational qualifications of teachers. The laws of both South Carolina and Virginia required segregation. In the South Carolina case, the federal district court concluded that facilities were substantially equal, and while the court found that the facilities for the Negro schools in Virginia were inferior, instead of ordering the admission of Negro children to nonsegregated schools it ordered the state forthwith to provide substantially equal facilities with reasonable dispatch. The Delaware law also required segregation, but here the state courts ordered the admission of Negroes to nonsegregated schools on the ground that the facilities of the Negro schools were inferior. Thus, in all but the Delaware case relief had been refused on the basis of the "separate but equal" doctrine. In the District of Columbia case, the trial court had dismissed the complaint of Negro children seeking to compel their admission to a nonsegregated school on due process grounds. The Supreme Court granted a writ of certiorari before judgment was had in the Court of Appeals, as it does on rare occasions, "because of the importance of the constitutional question presented."

The decisions in the *Segregation Cases* are remarkable from several points of view. First of all, the Court moved very slowly. The cases were orginally argued in 1952, and then reargued late in 1953, on the basis of a series of questions propounded by the Court largely concerned with the history of the adoption of the Fourteenth Amendment. It is of interest to note that a Democratic Attorney General participated in the first argument as *amicus*, and a Republican Attorney General the second time, both urging the Court to abandon the "separate but equal" rule. In the second place, the Court was in agreement, speaking with impressive unanimity through the new Chief Justice. There were no concurring opinions to distract attention. In fact, considering the magnitude of the issues, Chief Justice Warren's opinions were remarkably brief and uncluttered. They have the authentic earmarks of a great public statement. Finally, and perhaps most noteworthy, was the fact that the Court decided the merits of the controversy without issuing a decree. It postponed the fashioning of the decree, obviously for strategic reasons, and requested further argument on the question of the precise form it should take. The Chief Justice explained that these were essentially class actions involving a great variety of local conditions. Now the Court has a wide range of possible courses of action from which to choose. Professor John P. Roche has advanced the interesting suggestion that the Court should appoint a special master to supervise the implementation of the ultimate decree, and he has nominated Harry S. Truman for the job.[81]

In the opinion dealing with the state cases, Chief Justice Warren put aside

[81] "Plessy v. Ferguson: Requiescat in Pace?" *University of Pennsylvania Law Review*, Vol. 103, pp. 44–58, at pp. 57–58 (Oct., 1954). See also Robert A. Leflar and Wylie H. Davis, "Segregation in the Public Schools—1953," *Harvard Law Review*, Vol. 67, pp. 377–435 (Jan., 1954); Note, "Equal Protection and Attempts to Avoid 'State Action'," *Indiana Law Journal*, Vol. 29, pp. 125–39 (Fall, 1953); Note, "Evasion of Supreme Court Mandates in Cases Remanded to State Courts since 1941," *Harvard Law Review*, Vol. 67, pp. 1251–59 (May, 1954).

the materials dealing with the history of the Fourteenth Amendment, saying that "at best, they are inconclusive." Not only did the people who had a hand in the adoption of the Amendment differ, but also the status of public education at that time was quite different. He noted too that the *Plessy* case dealt with transportation and not education, and that in none of the previous cases dealing with higher education was it necessary to reexamine the *Plessy* rule, since inequality was found in specific facilities. Furthermore, said the Chief Justice, "in approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when *Plessy* v. *Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation."

Coming, then, to the heart of the matter, Chief Justice Warren declared: "Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms." Even though the tangible factors may be equal, therefore, the segregation of children in public schools solely because of race deprives minority group children of equal educational opportunities. Drawing upon modern psychological and sociological insights, the Court declared: "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

Chief Justice Warren then quoted with approval the trial court's conclusions in the Kansas case that segregation is interpreted as denoting inferiority of the Negro group, and that this affects the motivation of the child to learn, thus retarding the educational and mental development of Negro children. The conclusion: "Separate educational facilities are inherently unequal." Thus at long last the *Plessy* doctrine was abandoned.

The District of Columbia case requires a bit of special explanation, since there is no equal protection clause applying to the national government. The due process clause of the Fifth Amendment does apply, however, and the Court ruled that while due process and equal protection are not always interchangeable phrases, both concepts stem from "our American ideal of fairness" and are not mutually exclusive. And it was held that discrimination may be so unjustifiable as to violate due process. "Classifications based solely upon race must be scrutinized with particular care, since they are contrary to our traditions and hence constitutionally suspect." The liberty which due process protects is more

than mere freedom from bodily restraint. It extends "to the full range of conduct which the individual is free to pursue, and it cannot be restricted except for a proper governmental objective. Segregation in public education is not reasonably related to any proper governmental objective. . . ." It would be unthinkable, said the Chief Justice in conclusion, that a Constitution which prohibits the states from maintaining racially segregated schools would impose a lesser duty upon the federal government.[82]

Jury Service. It is well established that a state court violates the Equal Protection Clause if it permits systematic and arbitary exclusion of Negroes from jury service. In *Hernandez* v. *Texas*[83] a unanimous Court ruled that where 14 per cent of the population of the county is of Mexican or Latin-American descent, it violates the Fourteenth Amendment to bar all such persons from the juries. It was shown in this case that no person with a Mexican or Latin-American name had served on a jury within the past 25 years, thus establishing a strong *prima facie* case which is not rebutted by a mere denial of discrimination. The Court rejected the argument that within the contemplation of the Fourteenth Amendment there are only two classes, white and Negro, although it is true that historically differences in race and color have defined the most easily identifiable groups requiring the aid of the courts to get equal treatment under the law. But, Chief Justice Warren observed, "community prejudices are not static," and whether a particular group is sufficiently well-defined to stand out as a group is a question of fact. He ruled that Hernandez had succeeded in proving, on the basis of community attitudes and local practices, that persons of Mexican descent constituted a separate class in the county distinct from "whites."

Classification of Crimes. Maryland has a law which permits the admission of illegally seized evidence in three named counties in connection with misdemeanors involving the carrying of concealed weapons unlawfully and in the case of prosecutions under the gambling laws. Since 1929 the general rule in Maryland, as established by the legislature, is that illegally seized evidence is not admissible in misdemeanor cases. The Court held that the state's classification is within "the liberal legislative license allowed a state in prescribing rules of practice."[84] In fact, since rules of evidence are procedural in nature,

[82] Soon after the disposition of the Segregation Cases, the Court remanded, with *per curiam* opinions, three cases for further consideration in the light of its new position: *Muir* v. *Louisville Park Theatrical Association*, 347 U.S. 971 (1954) [Sixth Circuit Court of Appeals decision upholding racial segregation in the theatre of a public park]; *Florida ex rel. Hawkins* v. *Board of Control of Florida*, 347 U.S. 971 (1954) [Florida Supreme Court decision sustaining segregation at the University of Florida]; and *Tureaud* v. *Board of Supervisors of Louisiana State University*, 347 U.S. 971 (1954) [fifth Circuit Court of Appeals decision refusing to enjoin segregation at Louisiana State University]. In addition, the Court declined to review two decisions against segregation: *Holcombe* v. *Beal*, 347 U.S. 974 (1954) [Court of Appeals of the Fifth Circuit ruling against exclusion of Negroes from a municipal golf course]; and *Housing Authority of San Francisco* v. *Banks*, 347 U.S. 974 (1954) [state court decision against segregation in a local public housing project].

[83] 347 U.S. 475 (1954). [84] *Salsburg* v. *Maryland*, 346 U.S. 545 (1954).

they are peculiarly within the discretion of the law-making power. The Court refused to say that the differentiation between various misdemeanors and counties is so unreasonable as to deny equal protection. "Territorial uniformity," said Justice Burton, "is not a constitutional requisite."[85] The Attorney General of Maryland cited several acceptable reasons for the state policy, such as the concentration of population and gambling activity, and the difficulty of making proof. Justice Douglas, dissenting alone, repeated his well-known objection to the use in any court of evidence obtained by the lawless action of police officers.

Tax Classification. Finally, the Court upheld by unanimous vote a St. Louis ordinance which levies an income tax on the gross salary and wages of the employed, but only on the net profits of the self-employed, corporations, and business enterprises.[86] It was noted that the classification of salary and wage income in one category and profits in another is not uncommon. It is used extensively in federal taxation, which also differentiates sharply between earned income and capital gains. Justice Jackson observed that the state's classification rests on the view that wage or salary income is relatively fixed and stable, whereas business profits are unstable and fluctuating. He could not say that this difference is "insignificant or fanciful." Finally, he observed that the state's power to classify according to occupation for purposes of taxation is extremely broad, and that the Court indulges every possible presumption in favor of the state's judgment.

3. STATE POWER AND THE COMMERCE CLAUSE

Regulation. A hardy perennial of American federalism[87] is the question of how far the states may go in regulating and taxing interstate commerce. In *Garner* v. *Teamsters, Chauffeurs & Helpers Union*,[88] the Court ruled unanimously that the national labor act covered a situation where union members not in his employ picketed an interstate trucker to induce his employees to join up, and that therefore a state could not give equitable relief under the state labor relations act. The Court rejected Garner's contention that the national board enforces only public rights, on behalf of the public interest, whereas state equity powers are invoked by private parties to protect private rights. Speaking for the Court, Justice Jackson ruled that this distinction is too unsettled and ambigu-

[85] The Court leaned heavily on *Missouri* v. *Lewis*, 101 U.S. 22 (1879), which upheld a statute classifying the City of St. Louis and four counties specially for purposes of judicial appeals.

[86] *Walters* v. *St. Louis*, 347 U.S. 231 (1954).

[87] See R. B. Bowie and C. J. Friedrich, *Studies in Federalism* (Boston, 1954); V. V. Thursby, *Interstate Cooperation: A Study of the Interstate Compact* (Washington, D. C., 1953); Symposium on "American Federalism: The General Perspective," *Columbia Law Review*, Vol. 54, pp. 439–578 (April, 1954), with articles by Henry M. Hart, Jr., Herbert Wechsler, and Paul A. Freund; Robert J. Harris, "States' Rights and Vested Interests," *Journal of Politics*, Vol. 15, pp. 457–71 (Nov., 1953).

[88] 346 U.S. 485 (1953). See George Rose, "Garner v. Teamsters: The Supreme Court and Private Rights," *Virginia Law Review*, Vol. 40, pp. 177–92 (Feb., 1954).

ous to be introduced into constitutional law as the dividing line between federal and state power. But even if the distinction is accepted, federal policy must still prevail, and state policy may not even be applied to any area of labor combat designed by Congress to be free from regulation. In any event, the Court concluded that the federal statutes are designed to protect both public and private interests, and since they are the supreme law of the land, they cannot be changed in any fashion by state procedures.

In another unanimous decision the Court rejected the contention that a state's allocation of costs between a railroad and local governments for the construction of grade separation improvements was arbitrary unless imposed on the basis of benefits received.[89] In this case the railroad was required to pay half. The Court held that this is not an ordinary special assessment problem, but rather one involving the safety and convenience of the community. There was in the Court's opinion no showing that the state acted unreasonably, and refusal to allocate costs on the basis of benefits received is not proof of unreasonableness. Furthermore, allocation of grade separation costs against railroads in excess of benefits received was held not to be an undue burden on interstate commerce. "The construction and use of public streets," said Justice Minton, "is a matter peculiarly of local concern and great leeway is allowed local authorities where there is no conflicting federal regulation, even though interstate commerce be subject to material interference."

Taxation. There were three cases during the 1953 Term dealing with the impact of the Commerce Clause upon the state's taxing power.[90] *Braniff Airways* v. *Nebraska State Board*[91] presented the ever-vexing question of the state's ability to tax the property of interstate carriers. Nebraska levied an apportioned *ad valorem* tax on the flight equipment of Braniff Airways, an interstate carrier incorporated in Oklahoma, with its home port in Minnesota. The flight equipment, part of a system of interstate air commerce operating over fixed routes in 14 states, is used in landing on and departing from airports in Nebraska. The Nebraska stops are short, only for discharging and loading passengers, mail, and freight, and sometimes for refueling. Braniff has no repair or storage facilities in Nebraska, but rents depot space there. The state's allocation formula is that of the uniform act, which follows the recommendations of the CAB and was approved by the Council of State Governments on the recommendation of the National Association of Tax Administrators. The Court upheld the tax.

First, Justice Reed ruled, federal legislation did not so preempt the field as to preclude this tax. It was noted that the federal statutes are based on the

[89] *Atchison, Topeka & Santa Fe R. Co.* v. *Public Utilities Commission of California*, 346 U.S. 346 (1953).

[90] See P. J. Hartman, "State Taxation of Interstate Commerce: An Appraisal and Suggested Approach," *Washington University Law Quarterly*, Vol. 1953, pp. 233–69 (June, 1953); Note, "State Taxation and Interstate Commerce," *Columbia Law Review*, Vol. 54, pp. 261–77 (Feb., 1954).

[91] 347 U.S. 590 (1954).

commerce power of Congress, and not on any conception of national ownership of the navigable air space. Federal regulation of interstate carriers has never been construed to mean that states have no power to tax their property. Second, it was held that this tax was not an unconstitutional burden on interstate commerce. It is well established that interstate commerce may be required to carry a nondiscriminatory share of the state tax burden. Third, the Court ruled on the issue of situs that there was no violation of due process for lack of jurisdiction to tax, finding an analogy with the taxation of boats on inland waters. The only requirement of due process is that the tax be related to benefits conferred by the taxing state. Since Braniff made 18 stops a day in Nebraska, where it rents ground facilities and picks up and discharges about 10 per cent of its business, there was sufficient contact with the state to sustain the tax. Two Justices concurred separately, and two dissented. Justice Frankfurter argued the great danger of the states' adopting different formulas, and thought the problem ought to be worked out by Congress, not the courts. He did not believe that Nebraska's relation to the property was sufficient to support an *ad valorem* tax. He emphasized the Commerce Clause as a bar to this tax, maintaining that until Congress acts the vital thing for the Court to do in this new and subtle field is to protect interstate commerce from the inroads of state taxation.

A decision adverse to the taxing state was reached by a unanimous Court in *Michigan-Wisconsin Pipe Line Co.* v. *Calvert*,[92] where a Texas tax on the occupation of "gathering gas" was held violative of the Commerce Clause. The appellant Company, holding a certificate of convenience and necessity under the Natural Gas Act of 1938 for transportation and sale of natural gas in interstate commerce, has a pipeline running from Texas to Michigan and Wisconsin, and also sells in Missouri and Iowa. It neither sells nor produces gas in Texas. It buys its gas from a Texas producer who collects the gas from the wells and pipes it to a plant where it is prepared. From this plant the gas flows to the appellant's property. At this point the gas flows directly into the Company's pipelines. It is this "taking" at this point that is made the taxing incidence by the Texas statute. About 1,000 feet later on the gas is fed into a compressor station where the pressure is raised for movement to distant markets. Thus the entire movement of the gas from the producing wells to consumers outside of Texas is one steady, continuous flow. In addition to the disputed tax, appellant pays an *ad valorem* tax on all its facilities and leases within the state, and the state also taxes producers on the value of all gas produced at the well.

The Court held that the occupation tax has a substantial effect in unduly burdening interstate commerce. While such commerce is not totally immune from local taxation, Justice Clark observed that the state may tax a local activity related to interstate commerce "if, and only if, the local activity is not such an integral part of the interstate process, the flow of commerce, that it cannot realistically be separated from it." Furthermore, if the local activity cannot be separated from the interstate process, there is the danger of multiple state burdens, for each state through which the gas flows could also tax, thus

[92] 347 U.S. 157 (1954).

prejudicing or unduly burdening commerce. It was also stressed that the taxing incidence in this case, the "taking" of the gas from the producer, occurred after the gas had been produced, gathered, and processed. Thereafter the gas was not only committed to interstate commerce, but was actually moving in it. Thus, said Justice Clark, in effect the tax is on the exit of the gas from the state, and this is not a local activity separate from the movement in commerce.[93] The opinion, therefore, is an amalgam of "undue burden" and "multiple burdens" theories.

Finally, in *Railway Express Agency* v. *Virginia*[94] a bare majority of five held invalid a state tax on express companies measured by gross receipts from intrastate business as applied to a company engaged exclusively in interstate commerce. The Railway Express Agency, a Delaware corporation, is chartered for interstate and intrastate commerce throughout the United States except in Virginia, which by constitutional provision does not permit a foreign corporation to exercise any public service functions in the state.[95] Thus the Express Agency has no license to do an intrastate business in Virginia, as a result of which it carries on there only business which it is entitled to conduct under the Commerce Clause. A separate Virginia subsidiary handles its local express business. The statute calls the disputed tax a privilege tax, but the Corporation Commission and the state Supreme Court call it a property tax measured by gross income and laid on the intangible value of good will or going concern status.

Speaking for the Court, Justice Jackson observed that what the state chooses to call this tax does not preclude an inquiry by the Court where a federal constitutional question is involved. While a state may use intangible factors in working out a fair formula of real values, it was noted that here the tax, in practical effect, falls squarely upon gross receipts, and it was pointed out that the gross receipts tax amounted to about 50 per cent of the total value of the Express Agency's real and tangible personal property in the state. Virginia says this is really a tax on the intangible value of its tangible property, but the figures show that the going concern value of tangible property worth only $129,279 is $13,290,942, computed on the basis of the tax on intangible personal property. In other words, every dollar invested in the tangible property of the express business is deemed to be worth over $100 for tax purposes. This is not a tax on physical property, said Justice Jackson, but a tax on gross receipts, and the Court has declined to regard mere gross receipts as a sound measure of going-concern value where values depend upon profits and not merely volume. If Virginia can tax all interstate movements beginning or ending in or passing

[93] The lower court relied mainly upon the well-known case of *Utah Power & Light Co.* v. *Pfost*, 286 U.S. 165 (1932), which sustained a state tax levied upon the production of electricity thereafter sold in interstate commerce. The instant case was distinguished on the ground that the Texas tax was not levied on production, but rather on the taking into interstate commerce after production, gathering, and processing.

[94] 347 U.S. 359 (1954).

[95] The constitutional authority of Virginia to do this was sustained in *Railway Express Agency* v. *Virginia*, 282 U.S. 440 (1931).

through the state, then a company doing a national business is vulnerable to a gross revenue tax in all states. In conclusion, the Court held that this tax was what the legislature called it, a privilege tax, and that a state has no constitutional authority to apply it to an exclusively interstate business.

The four dissenting Justices thought that the tax was nondiscriminatory, fairly apportioned, and not excessive, and that they were bound by the Virginia Supreme Court's label. They maintained that there is a taxable going concern value aside from physical assets. And they protested that the tax should not be held unconstitutional merely because the legislature did not foresee "what tax language would most likely meet this Court's approval."

4. INTERGOVERNMENTAL RELATIONS

Intergovernmental Taxation. Certain private contractors purchased two tractors for use in building a naval ammunition depot in Arkansas for the United States. The tractors were procured from Kern-Limerick, a local dealer. The question arose whether Kern-Limerick had to pay a two per cent sales tax which under Arkansas law is paid by the seller, who in turn is authorized to collect it from the purchaser. The contractors were operating under a cost-plus-a-fee contract with the Navy under the Armed Services Procurement Act of 1947. The contract provided that the contractor shall act as the purchasing agent of the government in procuring supplies and equipment, and that the government shall be directly liable to the vendors for the purchase price. Title to such equipment passes directly to the government from the vendor. In other words, the contractors were acting as "agents" of the government in purchasing the tractors. The state Supreme Court held Kern-Limerick liable for the sales tax on the theory that under its law the contractors and not the United States were the purchasers. It also ruled that the federal Act did not authorize the Navy Department to buy tractors which were to be used by independent contractors, and not by the Navy, and that the Navy could not delegate the power to buy the tractors. By a 6–3 vote the Supreme Court reversed.[96]

In an opinion prepared by Justice Reed, it was ruled that the Navy has authority to buy equipment for construction of the ammunition depot under the Act, which confers broad powers. Furthermore, it was held that under the Act the Armed Services may use agents, other than official personnel, to handle the detail of purchase. Justice Reed could find nothing in the statute which bars a contract for purchase for the government of supplies or services by private persons. The Court also decided that under the contract it is clear that the government is the purchaser, and that no liability of the purchasing agent to the seller arises from the transaction. Indeed, the contract states that the purchase is made by the government. Finally, Justice Reed asserted that it is for the United States Supreme Court, and not the state court, to decide who is, as a matter of law, the purchaser, since a federal constitutional issue is involved. It follows that "since purchases by independent contractors of supplies for Government

[96] *Kern-Limerick, Inc.* v. *Scurlock* 347 U.S. 110 (1954).

construction or other activities do not have federal immunity from taxation, the form of contracts, when governmental immunity is not waived by Congress, may determine the effect of state taxation on federal agencies, for decisions consistently prohibit taxes levied on the property or purchases of the Government itself."

Speaking in dissent, Justice Black took the position that the government purchasing agents could not delegate to their subordinates authority to delegate to private persons the power to buy goods for the government and pledge its credit to pay for them. He believed that the Court was making a tremendous break with long-established buying practices and safeguards without clear statutory authority. It may be that Congress has power to delegate government spending to private contractors, though he was not sure it has, but even so, he thought the purpose to delegate should be spelled out in explicit statutory language. Justice Douglas emphasized that as a matter of state law the contractor was the consumer or user to whom the vendor sold the goods. He insisted that Arkansas has not attempted to collect the tax from the United States, and agreed that it cannot do so. It seeks only to collect the tax from the purchaser. That is where the legal incidence of the tax falls, in his judgment. If the economic burden falls upon the government, it is because the government assumed it by contract, and not because Arkansas placed it there. Both dissenting Justices cited the precedent of *Alabama* v. *King & Boozer*[97] in support of their position. In this case a state sales tax was allowed to be exacted from an independent contractor acting for the government on a cost-plus-a-fee basis. The majority's reply was that in that case the contractor had not acted as the contractual agent of the government. Chief Justice Warren registered his agreement with both dissenting opinions.

Federal Supremacy. The state of New York has a policy of chartering and fostering the mutual savings bank, a nonprofit institution whose earnings go to the benefit of depositors rather than stockholders. Such banks have a long history as safe and stable depositaries, and are an important part of New York's banking and economic structure. The state also charters savings and loan associations. In pursuit of its policy New York does not permit any other banks to use the word "savings." But the Federal Reserve Act authorizes national banks to receive savings deposits, and the National Bank Act authorizes national banks to receive deposits without qualification or limitation. The Supreme Court ruled that state legislation prohibiting national banks from using the words "saving" or "savings" in their advertising or business was unenforceable as being contrary to the policy of the national legislation.[98] And the federal statutes do not mean, said Justice Jackson, that the national banks can only passively accept deposits thrust upon them. In modern competition advertising is a usual and useful weapon, and he could not say that while national banks are authorized by the statutes to accept savings deposits, they cannot

[97] 314 U.S. 1 (1941).

[98] *Franklin National Bank* v. *New York*, 347 U.S. 373 (1954).

tell the public about it. It is immaterial that in New York the word "savings" has acquired a peculiar meaning, since Congress has given a particular label to this type of account. Justice Jackson could find no indication that Congress intended to make this phase of national banking subject to local restrictions. Thus, where there is a clear conflict between national and state laws, as a matter of federal supremacy the national policy must prevail, whatever may be the wisdom of the state's policy. Justice Reed dissented alone, arguing that the Court's decision permits the national banks to trade on the good name of the savings banks built up under New York's policy, and that no federal statute expressly authorizes the national banks to use the words "saving" or "savings" in their advertising.

One final federal supremacy case remains to be noted.[99] The New York Court of Appeals refused to allow the state Superintendent of Insurance to turn over to the Alien Property Custodian certain funds of an enemy alien, the New York agency of the Yokohama Specie Bank of Japan, against which a domestic creditor held a judgment entitled to preference under state law. By a 5–3 vote the Supreme Court reversed in a one-word *per curiam* opinion which merely cited one precedent.[100] The dissenters expressed the opinion that the Court owes the highly respected state courts and the legal profession more than the mere citation of a case which in their judgment was inapplicable.

[99] *Brownell* v. *Singer*, 347 U.S. 403 (1954).
[100] *Zittman* v. *McGrath*, 341 U.S. 471 (1951).

THE WEST GERMAN ELECTORAL LAW OF 1953

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I

In the spring of 1953, with the approach of the regular parliamentary elections, the West German *Bundestag* began its deliberations on a new electoral law. The original law of 1949 had been enacted for the sole purpose of electing the first Parliament under the new Bonn Constitution. It was therefore necessary for the expiring Parliament to re-enact the old law, to modify it, or to supersede it with an entirely new system.

It soon became apparent that there were wide differences of opinion among the various parties represented in the *Bundestag*. The Chancellor's party, the Christian Democrats (CDU), presented proposals to establish a single member district system, eliminating proportional representation.[1] The Social Democrats (SPD) presented a draft which largely re-enacted the 1949 law.[2] The official government proposal, which was something of a compromise, leaned very heavily in the direction of the so-called *Mehrheitswahl* but also had provisions permitting a combination of party lists and additional votes (*Hilfsstimmen*).[3] It bore some similarity to the law which de Gasperi had pushed through the Italian Parliament shortly before this time, but without the same justification.[4] The various proposals were discussed on first reading on March 5, 1953, and again on March 18. After the report by the Election Law Committee, amended proposals were again discussed on second and third reading on June 17 and 19 and passed on third reading June 25.[5]

After the rejection of the draft election law brought forth by the government, discussions focused principally on two proposals, one drafted by the CDU Deputy Scharnberg and the other prepared by the FPD (Free Democratic party) Deputy Onnen. The Scharnberg proposal patently favored the coalition and provided for run-off elections in the event that no candidate in the first election secured a majority. There was also a procedure by which votes for parties could be pooled. After lengthy debate the Onnen draft, which was strongly opposed by the Chancellor and his party, passed the *Bundestag* on June 26, 1953, by 202 votes to 175.[6]

In the course of the deliberations, several significant changes were made in the draft proposal, including principally the restrictive clause against splinter parties. The Social Democrats provided the strongest opposition to the original

[1] *Deutscher Bundestag, I Wahlperiode*, 1949, *Drucksache Nr. 3636.*
[2] *Ibid., Drucksache Nr. 4062.* [3] *Ibid., Drucksache Nr. 4090.*
[4] See Joseph G. LaPalombara, "The Italian Elections and the Problem of Representation," this REVIEW, Vol. 47, pp. 676–703 (Sept., 1953).
[5] *Verhandlungen des Deutschen Bundestages, I Wahlperiode*, 1949, *Band 15, S. 12179 ff. S. 12202 ff.; Band 16, S. 13450 ff.; Band 17, S. 13594 ff.* and *S. 13741 ff.* The report of the Election Law Committee is *Drucksache Nr. 4450.*
[6] *Verhandlungen des Deutschen Bundestages, I Wahlperiode*, 1949, *Band 17, S. 13768.*

Stimmzettel

für die Bundestagswahl im Wahlkreis Nr. 77 Düsseldorf-Mettmann am 6. September 1953

Jeder Wähler hat 2 Stimmen!

Erststimme

für die Wahl des Wahlkreisabgeordneten

1	**Dr. Schröder, Gerhard** Rechtsanwalt Düsseldorf Grunerstr. 127	Christlich Demokratische Union **CDU**	◯
2	**Lünenstraß, Karl-Heinz** Angestellter Mettmann Neanderstr. 41	Sozialdemokratische Partei Deutschlands **SPD**	◯
3	**Funcke, Liselotte** Angestellte Hagen i. W., Stadtgartenallee 1	Freie Demokratische Partei **FDP**	◯
4	**Josting, Josef** Ofenarbeiter Hilden, Rosenweg 7	Kommunistische Partei Deutschlands **KPD**	◯
5	**Roedenbeck, Hans** Angestellter Wülfrath, Wilhelmstr. 76, Rathaus	Gesamtdeutscher Block **BHE**	◯
6	**Graf, Emil** Fabrikant Kettwig, Bahnhofstr 14	Nationale Sammlung **DNS**	◯
7	**Stinder, Rudi** Bankangestellter Velbert zur Dalbeck 5	Gesamtdeutsche Volkspartei **GVP**	◯

Zweitstimme

für die Wahl nach Landeslisten

1	**Christlich Demokratische Union** Dr. Adenauer, Frau Dr. Rehling, Kaiser Blank, Dr. Schröder **CDU**	◯
2	**Sozialdemokratische Partei Deutschlands** Ollenhauer, Mellies, Dr. Menzel, Kinat, Frau Albertz **SPD**	◯
3	**Deutsche Zentrumspartei** Brockmann, Heix, Böhner Roesing, Dr. Reismann **Zentrum**	◯
4	**Freie Demokratische Partei** Blücher, Dr. Middelhauve, Dr. Mende, Weyer von Manteuffel **FDP**	◯
5	**Kommunistische Partei Deutschlands** Reimann, Rische, Renner, Frau Thiele, Ledwohn **KPD**	◯
6	**Deutsche Partei** Hellwege, Dr. von Merkatz, Dr. Schild, Dr. Osthold, Freitag **DP**	◯
7	**Gesamtdeutscher Block/BHE** Kraft, Petersen, Körner, Gemein, Küste **BHE**	◯
8	**Gesamtdeutsche Volkspartei** Heinemann, Elfes, Frau Wessel, Scheu, Kokaly **GVP**	◯

government proposal, and by their insistence on the retention of proportional representation succeeded in working out an agreement with a sufficient number of deputies from the FDP to constitute a majority. The German party, (DP) which was the third member of the government coalition, the Center party (ZP), the Bavarian party (BP), and a portion of the Christian Social Union (CSU), as well as the Communist party (KPD), opposed the bill for various reasons. The Social Democrats did not approve of the section aimed at the elimination of minor parties, but as a group voted for the legislation. On the whole the discussion proceeded on a reasonably high level, avoiding the partisan excesses and stormy scenes which had marked the analogous debate in the Italian Parliament. The *Bundesrat* approved the law on July 3, and on July 29 the *Bundestag* was dissolved in preparation for the general elections.

The new electoral law, which resembles rather closely the 1949 law, provides for a compromise between the system of proportional representation and election by plurality vote in single member districts.[7] In order to avoid redrawing the election districts, the membership of the *Bundestag* was increased from 402 to 484, the members being distributed among the *Länder* in proportion to their respective populations. Half of the seats must be filled by direct election from the 242 constituencies into which West Germany is divided. The remaining 242 seats are allotted among the parties in the *Länder* on the basis of proportional representation under the d'Hondt system, the parliamentary representation of each *Land* being adjusted proportionately after the district seats have been determined. If seats have been gained by direct election, these are to be deducted from the total due to a party from the *Land* list under proportional representation. There is, however, one exception: if a party succeeds in electing more members in the individual constituencies of a *Land* than it is entitled to under proportional representation, it retains the seats elected directly. Lists of candidates submitted by the various parties are put up in each of one the *Länder*, and the 242 members returned by proportional representation are selected from these *Land* lists in the order in which their names appear. This provision for 50 per cent P.R. represents a change from 40 per cent P.R. in the law of 1949.

GLOSSARY OF POLITICAL PARTIES

1	CDU(CSU):	Christian Democratic Union (Christian Social Union, in Bavaria)
2	SPD:	Social Democratic Party of Germany
3	FDP(DVP):	Free Democratic Party (Democratic People's Party, in Baden-Wuerttemberg)
4	DP:	German Party
5	ZP:	Center Party
6	BP:	Bavarian Party
7	KPD:	Communist Party of Germany
8	GB(BHE):	All-German Block
9	DNS:	National Union
10	GVP:	All-German People's Party
11	DRP:	German Rightist Party
12	SSW:	South Schleswig Voters Association

[7] It has been referred to as *Verhältniswahl auf Mehrheitsbasis* by several German commentators. This characterization is not too accurate. The text of the new law can be found in *Bundesgesetzblatt* (*BGBl*), *Teil I, Nr. 32, S. 470–91* (July 10, 1953). The election regulations are in *BGBl, Nr. 35, S. 514–49* (July 16, 1953). A good guide is Zwick and Schuck, *Wegweiser für die Durchführung der Wahl zum zweiten Bundestag* (Neustadt, 1953).

The change was largely a matter of convenience; it was not due to any conviction that 50 per cent P.R. would secure a more equitable result.[8]

Under the new law each elector has two votes, one the *Erststimme*, to be cast for a candidate in his own constituency, and one the *Zweitstimme*, to be given to a party list of candidates nominated in his *Land* or state. (See facsimile of the ballot.) If a candidate in a constituency secures a simple majority, he is elected. Electoral alliances to contest the district elections are permissible, but the linking of separate lists on the second ballot is not permitted. Candidates from the *Land* lists are elected in proportion to the votes secured by the parties in each state.

One of the new features of the law is the provision regarding minor parties. In the distribution of the seats by lists, only those parties are considered which received at least five per cent of the valid second votes given throughout the *Bund*, or parties which received one seat in a district by direct election. This restriction does not apply to lists that are put up by national minority parties.[9] Furthermore, party nominations must come from parties which demonstrate that they operate under a democratically elected executive committee, have a written organization statute, and a program. A section of the law which required new parties to secure at least 500 signatures to their petitions was declared void by the Constitutional Court.[10]

In the districts, candidates must be nominated by a secret ballot of a party convention or committee elected thereby.[11] In large cities containing several constituencies, nomination can be made in one convention. A certified copy of the invitation to the convention, a statement of the number of members in attendance, and an oath that the candidates were chosen by secret ballot must be appended to the nomination papers. Similarly, *Land* lists may be presented only by parties which prove that they have a democratically elected executive committee, a written constitution, and a program. Parties which are already represented by factions or by at least five representatives in the present *Bundestag* or in *Länder* parliaments need not produce this evidence. If a party is not so represented, its list must be signed by one per thousand of the qualified voters, at least 500 signatures and no more than 2500 being required. This provision was approved by the Constitutional Court. Only the first five names on the *Land* list appear on the right-hand side of the ballot. By-elections are eliminated except in the case of independent candidates not connected with party lists. In all other cases vacancies are filled from the party *Land* lists used

[8] The 1949 provision secured a proportional result with only 40 per cent. See the author's "The Electoral System of the Federal Republic of Germany—A Study in Representative Government," this REVIEW, Vol. 46, pp. 1056–68 (Dec., 1952).

[9] The exception made for lists of national minorities applied only to the South Schleswig Voters League (SSW). This group did not win a seat because it failed to reach the quota in Schleswig-Holstein.

[10] *Entscheidungen des Bundesverfassungsgerichts, Band 3, S. 19 ff.* Also in *Neue Juristische Wochenschrift* (1953), *S. 1341.*

[11] This requirement did not represent much of a change for the SPD, but in the other parties the delegate process had to be given an official status.

in the general election, the next person on the list (*Ersatzmann*) being chosen. The electoral constituencies were numbered for this election from 1 to 242, starting in the north at Husum and ending in the south in Bavaria at Memmingen.

It can thus be seen that the two principal new features of the 1953 electoral law are the stronger restrictions on minor parties, and the provision for two votes, one for the direct election of a candidate and the other for a party list. The basic compromise between the systems of direct election and proportional representation remains.[12]

II

The date of the election was set for September 6, and following the dissolution of the *Bundestag* on July 29 the various parties began their preparations in earnest for the approaching campaign. Under the new nominating provisions, however, it was not until the last two weeks of August that all district nominations and all nominations of *Land* lists were completed, the law requiring that candidates must be nominated at the latest seventeen days before the election. Nominations must be published at least eight days before the election, and the names are then arranged on the ballot in order, beginning with the candidate of the party which had the largest number of votes in the *Land* in the last *Bundestag* election. Other nominations appear in the order of their presentation to the election officer.

In this election greater attention was given to nominating procedures than had heretofore been the case. It was also possible for a candidate both to run in a district and to be on the *Land* list, thus assuring his election from the list if he were high enough on it—even if he were defeated in the district. Many candidates in all parties availed themselves of this opportunity. In case a candidate was elected in the district, he would accept this election and thus his name would not be considered in the proportional allocation of votes from the *Land* list. All in all, the tightening of the nominating procedures represents not only a restriction on minor parties but also an improvement in the public regulation and control of this vital part of the representative process. It shows a recognition of the need for public regulation of nominations as well as elections. Also, from the point of view of party organization, the new nominating procedures made for more orderly and responsible control of party nominations by the rank and file. Many serious contests occurred within the nominating conventions, and the funneling of candidates through party conventions, together with the restrictive provisions on new parties, practically eliminated the earlier German tendency toward multiplicity of candidates and parties. The experience of this election demonstrates that nominating provisions of this sort are at least as important as the electoral system itself in avoiding the excessive splintering

[12] West Berlin is represented in the *Bundestag* by 22 members who are elected by the Berlin assembly in proportion to the strength of the various parties in that body. The Berlin members have the right to speak in all *Bundestag* debates and to participate in all parliamentary committees, but their votes are not counted on divisions in plenary sessions.

of parties. The oft-repeated indictment of the principle of proportional representation needs to be modified in the light of this experience.

The new provisions restrictive of minor parties and independent candidatures proved to be very effective. Altogether, thirteen parties put up *Land* lists but not all parties were represented in all states. Furthermore, only the SPD and the KPD put up candidates in all of the 242 districts. The CDU nominated candidates in 221 districts, the FDP in 224, and the DP in 189. The Bavarian party and the *Schleswig-Holstein Landespartei* were exclusively regional. Only six parties were successful in securing representation in the new *Bundestag* and no independent candidates were elected, although several of them were able to secure respectable support in some of the election districts. There were sixteen independent candidates, mostly in Bavaria, and only one of them—a candidate in district 180—secured as much as 20 per cent of the vote.

Two interesting efforts were made to circumvent the five per cent clause by capturing a single district: one by the Center party in district 87 and one by the Communist party in district 74. In the case of the Center party, the effort was successful because the CDU candidate did not run and an electoral alliance was made between the two parties, eventuating in the election of the Center party candidate. In the Solingen district, where the Communists attempted to utilize voting certificates (*Wahlscheine*) to bring up their vote, the attempt was unsuccessful.[13] A further interesting fact about the operation of the restrictive provision against minor parties is that only 26 per cent of the total vote was cast for all minor parties in 1953 as compared to 39.8 per cent in 1949.

The new electoral law has been tested in the Constitutional Court and, as we have noted, was declared void in only one respect, namely, the requirement of 500 signatures for putting up a candidate in a district.[14] The Court held that this provision contravened the principle of equality. The requirement of 500 to 2500 signatures for party lists, on the other hand, was approved, as were also the various technical requirements relating to the conduct of the election. The German Reich party was not permitted to present candidates in three of the

[13] The Communists concentrated their attention on the Solingen-Remscheid district, which had been a stronghold of the party in the years before the rise of Hitler to power. Max Reimann headed the Communist forces in the district. The party planned a big sports festival in Solingen on election day which would have enabled the visiting Communists from other areas to vote for Reimann in Solingen. The government, however, banned the sports festival and in any case it is dubious whether the Communists could possibly have assembled enough outside support to have won the election. The 1949 election figures suggest that the Communist party would have required about 6,000 voters additional to take the district. However, the increase in the number of eligible voters by about 15,000 would have increased the margin of required absent voters quite considerably, disregarding the increase in voting participation and the intangibles of shifting electoral alignments. It would seem, therefore, that the Communists would probably have needed about 20,000 rather than 6,000 additional votes. This would have required the bringing to Solingen of about one-third of the total Communist vote in Nordrhein-Westfalen. As it turned out, while the KPD generally fared better on the second than on the first ballot, in Solingen it secured more first votes than second votes.

[14] See above, p. 110.

Länder—Hesse, Nordrhein-Westfalen, and Baden-Württemberg—since it was unable to furnish the necessary 2500 supporting signatures for its election lists and such signatures as were presented were not brought in on time. On September 1 the federal government decided to ask the Constitutional Court at Karlsruhe to ban this party on the grounds that its membership showed it to be the successor of the banned Neo-Nazi Socialist Reich party and that its ideological aims, its propaganda, and the nature of its meetings showed it to be an unconstitutional party. These legal steps against small parties, together with the decision of the Constitutional Court, helped to avoid the *Zersplitterung* which heretofore has been a handicap in the election of German representative assemblies. Thus the German party constellation was reduced in size and manageability, and the German representative picture was kept in reasonable focus. This accomplishment was in striking contrast to the situation in France and Italy, whose electoral laws include no comparable restrictive provisions.

The retention of the election districts used in 1949 deserves some comment. Time did not permit the *Bundestag* to make a careful study of the question of boundaries of the election districts (*Wahlkreise*). Obviously there had been considerable population movement during the interim period, but the task of delineating new election districts would have required many months of work, perhaps even a year, and hence as a practical matter the old districts were retained. One finds, consequently, rather significant variations in the number of qualified voters in the different districts. Table I shows a range from 79,300 to 247,700.[15] It happens that both the smallest and the largest *Wahlkreise* are in Nordrhein-Westfalen. The average-sized *Wahlkreis* has 137,342 qualified voters. As will be pointed out later, there was some variation as between dif-

TABLE I. DIFFERENCES IN ELECTORAL SIZE OF WAHLKREISE BY LÄNDER

Land	No. of *Wahlkreise*	Range in Size (Qualified Voters)			
		Average	Minimum	Maximum	Range Difference
Schleswig-Holstein	14	112,749	93,687	158,000	64,400
Hamburg	8	157,511	140,600	175,033	34,400
Niedersachsen	34	129,879	101,700	213,900	112,200
Bremen	3	141,832	140,306	142,761	2,455
Nordrhein-Westfalen	66	146,635	79,300	247,700	168,400
Hessen	22	140,327	104,515	178,100	73,500
Rheinland-Pfalz	15	142,186	118,100	167,000	48,900
Baden-Württemberg	33	137,454	85,600	202,900	117,300
Bayern	47	130,275	93,700	196,700	103,000
Bund	242	137,342	79,300	247,700	168,400

[15] See also Table 2 in *Die Wahl zum 2. Deutschen Bundestag, Statistik der Bundesrepublik Deutschland, Band 100, S. 14.*

ferent-sized districts in the matter of plurality or majority wins, with the result that some slight disadvantage fell to the SPD as against the CDU in the larger-than-average districts.

In considering the problem of variations in the electoral size of districts, it must be kept in mind that with the rectification of the votes through the operation of proportional representation, inequalities are largely, if not entirely, overcome. As long, therefore, as the principle of proportional representation is retained, there is not much urgency or necessity for a redrawing of the electoral districts. If, however, Germany should decide to turn exclusively to the system of election by single member districts, existing inequities should be eliminated.

III

Having dealt with several of the important new features of the 1953 electoral law, we turn now to a problem which is basic to an understanding of its real significance, namely, the actual operation of the compromise between the single member district system with plurality election and the proportional representation provisions working through the *Land* lists. What does the experience of the 1953 election show? Is the compromise sound? Does it result in the choice of a genuinely representative parliament? What light is thrown on the two components of the combined system? Was the law of 1953 an improvement over the law of 1949?

An intensive analysis of the very adequate election figures now prepared by the West German Statistical Office and by similar offices in the various *Länder* reveals many interesting details of the election system. These data, when supplemented by observation and proper evaluation, justify a number of significant conclusions about the German electoral system. First of all, the provision for two votes instead of one permitted the voters to cross over from one party to another if they cared to do so. A voter could gratify his desire to vote for a local candidate of his own party and at the same time on his second vote approve a program of another party. It was anticipated that such instances might be very numerous. Actually only 31,512 more valid votes were cast throughout the *Bund* as the *Zweitstimmen* than for the *Erststimmen*. It also seems clear that considering the *Bund* as a whole, very few voters either took advantage of this new feature of the voting system or were confused by it. Additional support for this conclusion is furnished in the data on invalid ballots. The percentage of such ballots was almost identical for the two votes; 3.4 for the first, and 3.3 for the second. This is a relatively small percentage of invalid ballots and compares with 3.1 per cent in the preceding election where only one vote was cast.[16]

Perhaps the most significant question to be asked in studying the operation of the two-vote system is whether there was any appreciable change in voter

[16] The two-vote system had been used in the state of Bavaria and thus a considerable number of German voters were already acquainted with it when it was put into the federal law.

preference from the first to the second ballot.[17] That is, did the voter express preference for a candidate of one party on the first ballot and then express a preference for the list of another party on the second ballot? A complete and precise answer cannot be given to this question, but changes did occur, and the direction of these changes may be indicated. The results shown in Table II would suggest that the CDU party gained 1.4 per cent in total votes on the second ballot, while the SPD party lost 0.7 per cent of its votes. The FDP lost 1.3 per cent on the second ballot. The GB-BHE and the KPD kept the same percentage of votes on both ballots, while the DP lost 0.3 per cent of its votes on the second ballot.

When we look more closely at the CDU vote, however, we find that this relative gain over its rivals is somewhat deceptive. First of all, the effect of electoral agreements (*Wahlabkommen*) must be considered. The CDU party withheld candidates in 21 election constituencies and therefore any votes received on the CDU list in those districts are, as the expression is, "up from nothing." When these second ballot gains are totaled for the whole *Land*, an exaggerated picture of the gain is produced. The gain in this case, in other words, comes not from the behavior of the voter, but from the manipulations of the parties in withholding candidates and forming coalitions. Thus in Hamburg where the CDU got only 20.6 per cent of the first ballot votes and 36.7 per cent of the second ballot votes, the wide range is explained by the fact that the CDU party withheld candidates in five of the eight districts of Hamburg on the first ballot in order to favor its coalition partners. Furthermore, where the CDU did have candidates on the first ballot in Hamburg, they all lost a considerable percentage of their votes on the second ballot.

The CDU party gained on the whole 416,025 votes on the second ballot, but in 21 districts it withheld candidates on the first ballot and got no votes. Hence the total votes received on the second ballot in these districts, where party coalitions existed, give the CDU a "gain" of 738,238 votes. If we leave aside this dubious gain and subtract it from the 416,025 votes which the party gained on the second ballot throughout the entire *Bund*, we find that it actually lost 322,213 votes on this ballot.

Although there was relatively little change between the first and second votes as a whole, a review of the constituency-by-constituency record of the principal parties for the two ballots shows that the greatest changes occurred in the CDU vote.[18] Such small changes as there were had little significance on

[17] Many candidates ran in the districts and also were placed on their party's *Land* list. If they were not successful in the district, their party vote in the *Land* would elect them if they were high enough on the list. Chancellor Adenauer was the *Spitzenkandidat* in all the *Länder* except Bavaria, endeavoring thereby to attract votes to his party and to present a unified front. He also ran as a district candidate in Bonn and accepted election from this district.

[18] A change of two per cent was a large one. The CDU had a change of two per cent or more in 100 districts, whereas the FDP vote changed this much in only 37 districts and the SPD in only 22 districts.

TABLE II. PERCENTAGES OF VOTES CAPTURED ON FIRST AND SECOND BALLOTS*

Land	CDU-CSU		SPD		FDP-DVP		GB-BHE		DP		KPD		DRP		GVP*	
BUND	43.7	45.1	29.5	28.8	10.8	9.5	5.9	5.9	3.9	3.3	2.2	2.2	0.7	1.1	1.0	1.1
Schleswig-Holstein	49.2	47.2	26.7	26.5	3.8	4.5	10.8	11.6	3.3	4.0	1.2	1.2	0.4	0.9	0.4	0.4
Hamburg	20.6	36.7	39.8	38.0	17.8	10.3	3.0	2.5	11.5	5.9	3.9	3.8	2.1	1.6	1.3	1.2
Niedersachsen	28.0	35.2	31.0	30.0	8.2	6.9	11.5	10.8	16.5	11.9	1.1	1.1	3.0	3.5	0.6	0.6
Bremen	23.8	24.9	39.4	38.9	7.8	7.5	3.1	3.2	17.8	17.0	3.9	3.9	2.8	3.0	1.4	1.6
Nordrhein-Westfalen	50.5	48.9	32.6	31.9	8.5	8.5	2.5	2.7	0.9	1.0	2.8	2.9	0.1	—	1.3	1.4
Hessen	29.5	33.2	34.5	33.7	23.7	19.7	6.0	6.4	2.1	2.8	2.5	2.5	0.2	—	1.5	1.7
Rheinland-Pfalz	52.5	52.1	28.0	27.2	12.9	12.1	1.5	1.5	1.3	1.1	2.4	2.3	—	2.5	—	1.2
Baden-Württemberg	51.1	52.4	23.4	23.0	13.9	12.7	5.4	5.4	1.2	1.6	2.3	2.2	0.1	—	0.1	1.6
Bayern	48.3	49.7	23.9	23.3	7.3	6.2	8.2	8.2	0.7	0.9	1.6	1.6	0.8	1.6	0.8	0.6

* Figures in the first column under the party headings represent first ballot results; figures in the second column represent second ballot results.

the election as a whole, however much they may have affected individual contests, and a safe generalization to make is that most of the Germans voted what Americans would call a "straight ticket." The two-vote system did permit a balancing of party strength as well as a more complete expression of the voter's opinion, and in individual constituencies, especially among the coalition parties, transfers occurred. As one can see from the accompanying table of seats in the *Bundestag* (Table III), the sources of the two opposition parties' votes

TABLE III. SEATS IN THE BUNDESTAG

Party	*Erststimme*	*Zweitstimme*	Total
CDU	172 (70.7%)	71 (29.3%)	243
SPD	45 (30.0)	106 (70.0)	151
FDP	14 (29.2)	34 (70.8)	48
DP	10 (66.6)	5 (33.3)	15
BHE	0 (00.0)	27 (100)	27
ZP	1 (25.0)	3(75.0)	4

were directly reversed, the CDU gaining 71 per cent of its seats on the first ballot and 29 per cent on the second, and the SPD 29 per cent on the first and 71 on the second.

Checking the two-vote system against the voting participation, it may be seen from Table IV that voting participation on the first and second ballots varied only slightly, the average for the *Bund* being 0.1 per cent higher for the second ballot. The 0.6 per cent decrease in the vote in Hamburg was the largest variation.

In analyzing the effect of the electoral system, reference has been made to the significance of electoral agreements among the parties. Throughout the *Bund* there were some 34 electoral alliances, mostly among the parties in the coalition; they were formed chiefly in the industrial and more Protestant north. Only three were organized in the south and one in Hesse. In Schleswig-Holstein two seats were taken from the SPD by the CDU in three successful alliances.

TABLE IV. VOTER PARTICIPATION BY LÄNDER

Land	*Erststimme*	*Zweitstimme*
BUND	86.0%	86.1%
Schleswig-Holstein	88.5	88.7
Hamburg	87.4	86.8
Niedersachsen	88.7	89.0
Bremen	87.4	87.9
Nordrhein-Westfalen	86.0	86.1
Hessen	86.7	86.7
Rheinland-Pfalz	86.0	86.1
Baden-Württemberg	81.8	82.1
Bayern	85.8	86.1

The most notably successful arrangement for the CDU was in Hamburg, where SPD district representation was cut from five to one through seven successful alliances. The most extensive use of the system was in Niedersachsen, where 12 alliances were formed, 11 of them being successful for the coalition parties. No alliances were formed in Rheinland-Pfalz or in Baden-Württemberg.

Of the 34 alliances throughout the Republic, 28 were successful. (See Table V.) Judging from past voting behavior, and from the low percentages of total vote recorded for the winning party, it would appear that the resort to electoral alliances was the deciding factor in the victory. All in all, these alliances ac-

TABLE V. ELECTORAL ALLIANCES IN 1953 ELECTION

Land	Dist. No.	Winning Party	Parties Joining in Alliance	Percentage of Total Vote	Incumbent in 1949
Schleswig-Holstein	2	CDU	FDP-DP	60	Independent CDU
	8	CDU	FDP-DP	47	SPD
	13	CDU	DP	45	SPD
Hamburg	15	CDU	FDP-DP	53	SPD
	16	CDU	FDP-DP	56	CDU
	17	DP	CDU-FDP	48	SPD
	18	FDP	CDU-DP	55	CDU
	19	DP	CDU-FDP	48	SPD
	20	CDU	FDP-DP	49	SPD
	21	SPD	FDP-CDU-DP*		SPD
	22	FDP	CDU-DP	52	FDP
Niedersachsen	23	SPD	FDP-CDU-DP*		SPD
	24	CDU	FDP-DP	56	SPD
	29	CDU	FDP-DP	54	SPD
	30	FDP	CDU-DP	57	FDP
	32	DP	FDP-CDU	52	SPD
	33	DP	CDU-FDP	55	SPD
	34	DP	CDU-FDP	47	DP
	36	DP	CDU-FDP	51	SPD
	37	DP	CDU-FDP	49	DP
	46	DP	CDU-FDP	42	SPD
	48	CDU	DP	46	CDU
	56	FDP	CDU-DP	54	SPD
Nordrhein-Westfalen	75	FDP	CDU	50	FDP
	76	CDU	FDP	54	CDU
	87	CP	CDU	47	CDU
	108	SPD	CDU-DP*		SPD
	109	SPD	FDP-CDU*		SPD
	111	SPD	CDU-DP*		SPD
Hessen	126	FDP	CDU	53	FDP
	220	SPD	BP-CSU-FDP*		SPD
Bayern	221	FDP	CSU-DP	53	SPD
	223	FDP	CSU	45	SPD
	224	CSU	FDP	52	SPD

* Electoral alliance unsuccessful.

counted for 14 per cent of the district seats won by the government parties. SPD incumbents were displaced in 16 districts. It seems fair to conclude that the party alliances were not a decisive factor in the overall election results, although if the three coalition parties had extended their system of electoral alliances, they might have taken an additional 33 districts. Such additional successes, of course, would have depended upon local politics in each case, and the voters might not always have reacted favorably to an alliance between certain parties in certain constituencies. The fact remains that the alliance system might be used to a decisive advantage in a close race for the control of the *Bundestag*. Even in the landslide election of 1953, electoral alliances swelled the majorities which were rolled up for the government, although the additional seats were not actually needed for control of the *Bundestag*.

The d'Hondt quota, which is used with the proportional representation part of the German election system, is quite familiar to the Germans, and appears

TABLE VI. ALLOCATION OF SEATS UNDER TWO-VOTE SYSTEM AND D'HONDT QUOTA*

	Dividend and Order of Seats for												
	CDU		SPD		BHE		DP		FDP		SSW		
Divisor	Dividend	Order of Seats	Dividend	Order of Seats	Dividend	Order of Seats	Dividend	Order of Seats	Dividend	Order of Seats	Dividend	Order of Seats	Total Seats
1	636,570	1	357,798	2	157,100	7	54,170	21	61,486	18	44,585	—	
2	318,285	3	178,899	5	78,550	14	27,085	—	30,743	—			
3	212,190	4	119,266	9	52,367	23							
4	159,143	6	89,450	12	39,275	—							
5	127,314	8	71,560	15									
6	106,095	10	59,633	19									
7	90,939	11	51,114	24									
8	79,571	13	44,725	—									
9	70,730	16											
10	63,657	17											
11	57,870	20											
12	53,048	22											
13	48,967	—											
Allocation According to d'Hondt Quota													
		12		7		3		1		1			24
Number of Representatives in the Districts													
		14		—		—		—		—			14
Number of Representatives on the *Land* Lists													
		—		7		3		1		1			12
Total Seats													
		14†		7		3		1		1			26†

* Adapted from *Die Wahl zum 2. Deutschen Bundestag*, p. 6.

† The number of deputies elected from the districts exceeded the number allocated to the CDU under the d'Hondt quota by two, but under section 9, paragraph 3, of the Electoral Law, these two excess seats (*Überhangmandate*) remained with the party which won them in the districts.

to have operated quite faultlessly. Three extra seats were added to the total number of deputies elected under a special provision of the law, but in the strictly proportional part of the division of seats, mathematical exactness was achieved. Table VI illustrates the application of the quota and the allocation of seats under the law in Schleswig-Holstein.[19]

The new electoral law, which increased the proportion of seats to be filled by P.R. from 40 to 50 per cent at the same time that the total number of seats was increased from 400 to 484, achieved accuracy in representation, as did the 1949 law.[20] Table VII, employing the 1953 election data, compares the present com-

TABLE VII. COMPARISON BETWEEN RESULTS OBTAINED UNDER PRESENT GERMAN ELECTORAL AND STRAIGHT P.R. AND UNDER PLURALITY SYSTEMS

Party	P.R.*	Plurality	*Bundestag*
CDU, CSU	43.7%	71.1%	50.1%
SPD	29.5	18.6	31.0
FDP, DVP, GVP	11.8	5.8	9.9
DP	3.9	4.1	3.1
GP, BHE	5.9	—	5.5
ZP	1.8	0.4	0.4
KDP	2.2	—	—
DRP	0.7	—	—
DNS	0.3	—	—
Independent	0.1	—	—
	100.0	100.0	100.0

* Based on percentage of votes received on first ballot.

bined P.R. and district system with pure proportional representation and with a simple plurality system. One can immediately see that under a straight plurality system the CDU would have secured 71 per cent of the seats in the *Bundestag*, compared with the 50 per cent which it actually received under the existing system. Contrariwise, the SPD, the other major party, would have dropped from 31 per cent to 18.6 per cent, a result which would have reduced it to the position of a very minor opposition party. Under a system of straight proportional representation, all minor parties would have gained in representation, while the two larger parties would have lost only slightly. This may be seen

[19] After the proportional computations have been made for the parties to determine the number of seats to which a party is entitled, the number of deputies elected in the districts for each of the parties in a given land is deducted from this proportional number. The remaining seats allotted to a party then come from the *Land* lists. If, however, a party elects more candidates in the districts than it is entitled to under the proportional allocation, it retains these extra district seats (*Überhangmandate*). In this election there were two such cases in Schleswig-Holstein, where the CDU retained two additional seats, and one in Hamburg, where the DP secured one extra seat. Thus, the total number of deputies in the *Bundestag* was increased from 484 to 487.

[20] See my evaluation of the 1949 law in "The Electoral System of the Federal Republic of Germany" (cited in note 8).

also in Table VIII, in which the election data are arranged in another fashion.

Obviously the simple plurality system would have been best for the CDU and worst for the SPD. Under the combined plan both major parties have profited, while under straight P.R. at least four minor parties eliminated under the combined plan with its restrictive provisions would have received at least 16 seats, and other minor parties would also have gained. It is clear, therefore, that the major parties have been well served by the present system, but their advantage has not been marked enough to destroy reasonable proportionality.

The minor parties in 1953 received about 30 per cent of the votes but only 18.9 per cent of the seats. (See Table IX.) In 1949 the minor parties received

TABLE VIII. COMPARISON OF ELECTION RESULTS UNDER THE PRESENT GERMAN ELECTION SYSTEM WITH THOSE OBTAINING UNDER STRAIGHT PROPORTIONAL REPRESENTATION

Party	Seats Received			Votes Per Seat		Computed per Straight P.R.*
	Total	Direct	P.R.	Direct	P.R.	
CDU, CSU	244	172	72	69,930	172,789	212
SPD	151	45	106	180,695	74,903	143
FDP, GVP, DVP	48	14	34	232,431	86,661	57
GB, BHE	27	—	27	—	59,795	29
DP	15	10	5	107,303	179,590	19
ZP	2	1	1	55,835	217,342	8
KDP						11
DRP						3
DNS						2
	487	242	245			484

Note: The average number of valid votes for each seat on the first ballot was 56,509.
* Based on percentage of votes received on the first ballot.

39.8 per cent of the vote, and 32.6 per cent of the seats. Although their vote declined by only 9.2 per cent in 1953, they received 20.9 per cent fewer seats.

Table X shows the percentage of seats won by majority or plurality vote in the 242 districts in the nine *Länder*. One hundred and fourteen (47.2 per cent) of the seats in the districts were won by a majority vote, while the remaining 128 (52.8 per cent) were filled by plurality vote. In Hesse and Lower Saxony an abnormally large number of election district victories were won by pluralities, while in Bavaria majorities were the rule. Table XI gives the number of seats won in the constituencies by majority and plurality vote arranged by party and state; from it we can see that the CDU carried 104 or 60.5 per cent of its 172 district seats by majority vote. The SPD won only one of its *Wahlkreis* seats by a majority vote, the FDP six of its 14, and the DP three of its 10. Table XII indicates how the parties fared in over-sized or under-sized election districts; the smaller-sized districts were generally won by a majority vote, while the larger constituencies generally elected deputies by mere pluralities. The regional

TABLE IX. PARTY STRENGTH* ON A REGIONAL BASIS (MINOR PARTIES)

Party	Direct	*Land* List	% of Seats	Votes	% of Votes	Differential†
FDP/DVP	14	34	9.9	2,628,140	9.5	+0.4
KDP				607,413	2.2	−2.2
BP				465,662	1.7	−1.7
DP	10	5	3.1	987,952	3.3	−0.2
ZP	1	1	0.4	217,342	0.8	−0.4
GB/BHE	0	27	5.5	1,614,474	5.9	−0.4
GVP				318,323	1.1	−1.1
DRP				295,618	1.1	−1.1
			18.9		30.6	

Note: Federal totals—487 seats and 27,551,272 valid votes cast.

* As represented by number of Deputies elected to *Bundestag* from *Länder*—2d Ballot.

† Difference between percentage of seats gained and percentage of votes received.

and party variations in the size of the winning vote are interesting but quite inconclusive.

It is interesting to note that, in a selected list of some 73 *Bundestag* political leaders including members of the Cabinet, 48 were elected directly in districts, 21 secured their seats from the *Land* lists, and three were from West Berlin; one Cabinet Minister was not a member of the *Bundestag*. Of the 36 CDU-CSU leaders, only three were chosen from *Land* lists, while seven of the 17 SPD leaders were elected in this manner. Eight of the 13 FDP leaders owed their seats to the *Land* lists, while all four of the DP leaders held their seats by virtue of district election. Thirteen of the 19 Cabinet Ministers were elected in districts, four from *Land* lists, and one from Berlin, while one is not a member of the *Bundestag*.

TABLE X. PERCENTAGE OF WAHLKREIS SEATS WON BY MAJORITY OR PLURALITY, BY LÄNDER

Land	Number of Seats			Per Cent	
	Maj.	Plur.	Total	Maj.	Plur.
Schleswig-Holstein	7	7	14	50.0	50.0
Hamburg	4	4	8	50.0	50.0
Niedersachsen	12	22	34	35.3	64.7
Bremen		3	3		100.0
Nordrhein-Westfalen	36	30	66	54.5	45.5
Hessen	2	20	22	9.1	90.9
Rheinland-Pfalz	8	7	15	53.3	46.7
Baden-Württemberg	17	16	33	51.5	48.5
Bayern	28	19	47	59.5	40.5
Total	114	128	242	47.2	52.8

TABLE XI. NUMBER OF WAHLKREIS SEATS WON BY MAJORITY OR PLURALITY, BY PARTY, BY LÄNDER

Land	CDU/CSU		SPD		FDP		DP		ZP		Grand Total		
	Maj.	Plur.	Maj.	Plur.	Maj.	Plur.	Maj.	Plur.	Maj.	Plur.	Maj.	Plur.	Total
Schleswig-Holstein	7	7									7	7	14
Hamburg	2	1		1	2			2			4	4	8
Niedersachsen	6	7	1	10	2		3	5			12	22	34
Bremen				3								3	3
Nordrhein-Westfalen	35	16		13	1				1		36	30	66
Hessen	1	6		10	1	4					2	20	22
Rheinland-Pfalz	8	5		2							8	7	15
Baden-Württemberg	17	12		2		2					17	16	33
Bayern	28	14		3		2					28	19	47
Total	104	68	1	44	6	8	3	7		1	114	128	242

Several significant facts emerge from an examination of the margin of victory in the 242 constituencies as presented in the preceding tables. The margin of victory throughout the *Bund* ranged from 306 votes (District 50—Braunschweig) to 83,410 (District 69—Bonn), the median margin for all the 242 districts being 21,923. From tables which I have prepared I find that thirty-six (15.3 per cent) of the district seats were captured by vote margins under 5,000; sixty-five (26.9 per cent) of the districts by margins under 10,000. CDU and SPD each had five plurality victories with margins under 1,000 votes; only CDU had thumping majority victories with margins over 40,000 votes. Not so many districts were won by small pluralities as in 1949 because of the unprecedented sweep of the Adenauer party, but it is a commentary on election by plurality in districts that so many candidates (47) should win with pluralities under 40 per cent and so many (84) with pluralities under 45 per cent.

TABLE XII. NUMBER OF WAHLKREIS SEATS WON BY MAJORITY OR PLURALITY VOTE, BY SIZE OF WAHLKREIS, BY PARTY*

Party	Below-Average Size *Wahlkreis*			Above-Average Size *Wahlkreis*			Total		
	Maj.	Plur.	Total	Maj.	Plur.	Total	Maj.	Plur.	Total
CDU/CSU	61	33	94	43	35	78	104	68	172 (71.1%)
SPD	—	20	20	1	24	25	1	44	45 (18.6)
FDP	3	4	7	3	4	7	6	8	14 (5.8)
DP	3	4	7	—	3	3	3	7	10 (4.1)
ZP	—	—	—	—	1	1	—	1	1 (0.4)
Total	67	61	128	47	67	114	114 (47.2%)	128 (52.8%)	242 (100%)

* The median-size election district has 134,183 voters.

IV

The occupational background, age, sex, length of service, and residence of the candidates selected to represent the German people in the *Bundestag* are revealed in tables recently published.[21] Of the 487 deputies, 245 were members of the first *Bundestag*. Of 156 retiring deputies, 73 were defeated and 83 were not candidates for re-election. As a result of the great CDU victory, it is not surprising to find that 130 of the 244 members of this party in the *Bundestag* are new members. In the SPD party 59 of the present 151 members are new.

Leaving out of consideration the 22 Berlin representatives who have no vote, there are 40 women out of the 487 deputies in the *Bundestag*.[22] Of this number, 18 belonged to the CDU and 18 to the SPD, the percentage of women belonging to the SPD, therefore, being comparatively higher. In Table XIII one can also

TABLE XIII. WOMEN IN THE SECOND GERMAN BUNDESTAG: CANDIDATES COMPETING ON FIRST AND SECOND BALLOTS

Party	Total Candidates		Women Candidates				Total Elected		Women Elected			
	First Ballot	Second Ballot	First Ballot		Second Ballot		First Ballot	Second Ballot	First Ballot		Second Ballot	
			No.	%	No.	%			No.	%	No.	%
CDU	220	252	10	4.5	51	20.2	172	71	6	3.5	12	16.9
SPD	242	368	12	5.0	47	12.8	45	106	3	6.7	15	14.2
FDP	223	259	4	1.8	25	9.7	14	34			2	5.9
DP	190	179	2	1.1	9	5.0	10	5				
KPD	241	266	16	6.6	37	13.9						
BG/BHE	236	196	3	1.3	16	8.2		27			2	7.4
DRP	73	63	2	2.7	5	7.9						
GVP	231	215	23	10.0	36	16.7						
DNS	84	73	6	7.1	7	9.6						
Others	65	91	3	4.6	3	3.3	1	2*				
Total	1805	1962	81	4.5	236	12.0	242	245	9	3.7	31	12.7

* Center party.

note the relatively small percentage of women candidates, their election from *Land* lists oftener than in districts, and the apparent reluctance of the important parties to nominate women, particularly in the districts.[23] Since the electoral law provides for *Land* lists and proportional representation, the chances for women as candidates are greatly increased.

So far as age is concerned, two-thirds of the deputies are found in the age group from 40 to 60; only 14 per cent are under 40 years of age. It is interesting to note that the successful candidates in the electoral districts are older than those elected from the *Land* lists. This is especially true in the two large parties, the CDU and the SPD. The average age of the 487 representatives is 51 years;

[21] *Wirtschaft und Statistik, Neue Folge 5, Heft 9, S. 462–64* (Oct., 1953).

[22] On January 4, 1954, Frau Emmi Walter, belonging to the CDU, entered the Bundestag from the CDU *Land* list of Nordrhein-Westfalen.

[23] See the article by Fraulein Bremme, "Die Frau als Wählerin and Gewählte," in *Der Wähler, 3 Jahrgang, Heft 7/8, 1953, S. 260.*

those elected only in the election districts average 52.3 years in age. As one effect of the movements of people as a result of the war, one-fifth to one-sixth of all the representatives belonging to the various parties were born outside of the state they now represent. In the CDU party about two-thirds of the representatives were born in the state they now represent; with the SPD the proportion is about half.

Of the 242 deputies elected to the new *Bundestag* from the districts, 165 reside in the districts which they represent, while 53 live in nearby districts in the same *Land*. Only 24 deputies reside in a *Land* different from that in which their district is situated. There appears to be a tendency for the SPD to select non-resident candidates and there is apparently some difference in practice between Northern and Southern Germany: in the South, candidates are more likely to have district residence.

Members of the *Bundestag* have varying professional backgrounds. Although it is sometimes rather inexact to classify deputies strictly according to their present professions, a recent tabulation throws some light on the number of deputies who come from particular occupational groups.[24] About a third of the deputies belong to the legal or public administrative class; 23.4 per cent are in commerce or in business; and about a tenth are farmers. The CDU and DP parties contain more farmer deputies than the other parties. A further tenth of the members consists of teachers and writers; another tenth of independent and retired persons or housewives.

Finally, in evaluating Germany's electoral experience in 1953, it is important to summarize the essential facts about voting behavior. Fortunately, German statistical services are now functioning on an efficient basis; in the election of 1953 they produced the most extensive and detailed election figures so far available in the democratic world, showing the breakdown of approximately 1.5 per cent of the total vote by age, sex, and party.[25] Furthermore, in most of the *Länder* additional data showing religion, urban and rural composition, and land use are available to illuminate the voting results.[26]

In seven of the nine German states, 369 voting districts (*Stimmbezirke*) were carefully selected from small, medium-sized, and large cities; and the actual votes cast were tabulated in such a way as to reveal age, sex, and party prefer-

[24] *Wirtschaft und Statistik* (*Neue Folge 5, Heft 9*), *S. 464*.

[25] *Wirtschaft und Statistik, Neue Folge 6, Heft 1, S. 9–13* (Jan., 1954). More elaborate figures will appear later in a regular volume published by the Federal Statistical Office. Previous efforts along this line had been made in a few areas of Germany before 1933, as well as in Finland in 1919, in Denmark in 1926, and in 1929 in Sweden. In the occupation period certain cities, or parts of cities, separated the votes of men and women, as well as the votes for various proposals. I am especially grateful to Dr. Fürst, the *Bundeswahlleiter*, and to Dr. Horstmann, his deputy for election matters, for their very kind and efficient help.

[26] See *Statistische Mitteilungen aus Bremen, 8 Jahrgang, Heft 4* (1953); *Mitteilungen des Hessischen Statistischen Amtes*, AId/3/53/2; *Statistische Rundschau für das Land Nordrhein-Westphalen, 5 Jahrgang, Heft 10/11* (Oct., Nov., 1953); *Statistik von Baden-Württemberg, Band 11* (1953); *Statistik von Rheinland-Pfalz, Band 29* (1953); *Hamburg in Zahlen, Heft 24* (1953); *Statistische Monatshefte für Niedersachsen, Heft 11* (1953).

ence. In Bavaria and Rheinland-Pfalz, objections were raised to revealing such data, even though the *Bundesrat* had approved the regulations. Subsequently, the Bavarian Statistical Office prepared its own figures from Bavaria covering however, voting figures arranged by sex and party only and not by age groups.[27] The Bavarian data were secured in 106 voting districts of the state containing some 69,369 voters. Altogether, therefore, the voting records of some 319,818 voters in seven states and 69,369 voters in Bavaria were tabulated to reveal significant facts about German voting behavior.[28]

An analysis of this large mass of voting data permits wider and sounder generalizations about German voting habits than have heretofore been possible. Without attempting to exhaust the inferences which may be drawn from the data here, we must summarize some of the salient facts so that a complete picture of the way in which the Germans voted under their electoral arrangements in 1953 can be seen.

In the 1953 election 33,120,940 persons were qualified to vote. This is about 1,900,000 or 6.1 per cent more qualified voters than in 1949. It is estimated that in the period since 1949, about 2,800,000 young voters qualified for the first time, in addition to 1,200,000 older persons, including approximately 100,000 persons who had been disqualified under the de-Nazification laws. Approximately 45 per cent of the qualified voters were men and 55 per cent were women.

The number of voters in 1953 was 28,479,550, compared with 24,495,614 in 1949. The voting participation in 1953 was 86.0 per cent, as compared with 78.5 per cent in 1949. This is a higher voting turnout than was recorded in any *Reichstag* election under the Weimar Republic, including the election of 1919 to the National Assembly.[29]

What do the official voting figures show about the relative voting participation of men and women? First of all, they show that male voting participation (88 per cent) is, as usual, higher than that of women (84.9 per cent).[30] Voting participation is highest among middle-aged people and lowest among those under 30; it tended to increase with age up to about age 60, after which there was some decline. The disparity between males and females in voting participation is most pronounced in the group over 60 years of age. Interest in voting appears to decline faster among older women than among older men. Among the young voters, women seem to exhibit a slightly higher voting participation than do men.

Examination of the relative participation of men and women and of different

[27] *Informationsdienst des Bayerischen Statistischen Landesamtes, Reihe II/E/1/25* (Oct. 30, 1953).

[28] The data for individual voting districts were not made public for obvious reasons, but certain district results were somehow obtained and published. See *Sopade, Nr. 940*, p. 15 (Dec., 1953); also *Bulletin*, Vol. 2, nos. 21 and 27. Also the results by states appear in their respective state returns.

[29] An interesting detail of the voting is that 1,019,462 persons voted with election certificates outside of their regular residences. In Germany's largest state some 239,000 *Wahlscheine* were used.

[30] In Bavaria, the figures were 88.5 per cent for men, 86.2 per cent for women.

age groups according to party predilections (Table XIV) reveals several interesting facts. Women favored the CDU party in a much higher percentage than did men. The disproportion between male and female CDU voters is highest in the middle-age group (see Table XV).[31]

With the SPD party, the percentage of men is much higher than that of women and the support of this party comes from younger and middle-aged people rather than from the elders. Among the younger people who voted for the SPD, men and women are almost equally represented. Among the middle-aged group, men are well ahead of women in giving their votes to the SPD. With the FDP party, most of the support comes from the group of middle-aged

TABLE XIV. PARTY VOTERS ACCORDING TO SEX AND AGE (BUND WITHOUT BAVARIA OR RHEINLAND-PFALZ)*

Party	Men				Women			
	Total	Age groups			Total	Age groups		
		Under 60	30 to 60	60 and over		Under 30	30 to 60	60 and over
CDU	37.9%	40.3%	36.1%	41.1%	45.5%	46.7%	43.8%	49.6%
SPD	31.7	33.3	32.1	29.3	26.6	28.0	27.3	23.8
FPD/DVP	11.4	9.7	12.0	11.1	10.1	9.1	10.6	9.3
GB/BHE	5.8	4.9	6.2	5.6	5.8	5.0	6.1	5.4
KPD	2.9	2.2	3.2	2.5	1.6	1.4	1.8	1.3
Miscellaneous	7.8	6.9	8.0	7.8	6.9	6.3	6.9	7.1
Invalid Votes	2.5	2.7	2.4	2.6	3.5	3.5	3.5	3.5
Total Second Votes	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

* Adapted from *Wirtschaft und Statistik* (cited in note 25), p. 12.

people. The young people seem to be least likely to vote FDP. With the Refugee party, there is almost no disparity between men and women; its main supporters come from among the middle-aged. Older and (even more pronouncedly) younger people tend not to support the Refugee party. Thus, the strongest "Irredentist" feelings appear to prevail among the middle-aged refugee population. A breakdown of the Communist party figures shows that this party draws its support overwhelmingly from among the middle-aged, especially middle-aged men.

It appears that men distinctly more than women support rightist causes. Quite significantly, young voters of both sexes are not inclined to support these parties. It is the middle-aged group of male voters which ranks highest among the rightist supporters.

[31] In Bavaria, 60 per cent of the CSU voters were women. Also, 52.7 per cent of all feminine voters supported the CSU. Differences between men and women in the use of the two votes were not appreciable. Switching of votes among the parties of the government coalition occurred in significant proportions, but not in the SPD.

TABLE XV. PERCENTAGE OF VALID VOTES CAST BY AGE GROUP AND SEX

The CDU Voter				The SPD Voter			
Age	Total	Male	Female	Age	Total	Male	Female
Under 30	17.0	7.7	9.3	Under 30	18.8	9.3	9.5
30–60	59.8	24.1	35.7	30–60	63.3	31.1	32.2
Over 60	23.2	9.7	13.5	Over 60	17.9	10.0	7.9
Total	100.0	41.5	58.5	Total	100.0	50.4	49.6

All Parties

Age	Total	Male	Female
Under 30	16.4	8.1	8.3
30–60	62.2	28.2	34.0
Over 60	21.4	10.0	11.4
Total	100.0	46.3	53.7

In summary, it appears that women voters prefer the party which stands for traditional values, namely, the CDU.[32] They seem inclined to emphasize conservative trends in German society. This appears to be particularly true of older women and of those under 30 years of age. This explains why women rank lower than men in the support of parties which represent a change, be it backward or forward. One possible exception is in the case of the Refugee party.

Men, on the contrary, are more inclined to support groups on the right and left, with some qualifications. Among men it is primarily the middle-age-group and to a certain extent the older people who tend toward instability. The data show very strikingly that the younger generation does not follow this trend. Young voters tend to support the two major parties, with men favoring the SPD and women the CDU. The support of both sexes for the two major parties is considerably higher among young voters than in the other age groups. The most unstable age group in the voting population appears to be that between 30 and 60. The support for the Refugee party comes overwhelmingly from this group, as does the support for the Communist party. On this point the data seem to corroborate general assumptions about the old and new generations in postwar Germany.[33] One final interesting fact is that voting participation was lowest in cities of over 50,000 population.

[32] The difference between men and women so far as invalid ballots are concerned is very slight.

[33] Statistics showing religious and occupational data by election districts are available in Rheinland-Pfalz and illustrate another aspect of German voting behavior. Four *Wahlkreise* (nos. 149, 151, 153, and 154) have a Catholic population of 90 per cent or above, and it is in these districts that the CDU scored overwhelming victories, ranging from 67.2 per cent to 79.6 per cent of the total vote. Where both Catholic and agricultural populations are high, the CDU vote reached its peak (District 153—Prüm).

V

In concluding this analysis of the behavior of the German electorate under the 1953 electoral law,[24] we re-emphasize two special points. The first is the remarkable fact that for the first time in German party and parliamentary history, one party secured, under a system using proportional representation, an absolute majority of the seats. The new electoral law faithfully represented the overwhelming support of the German people for the Chancellor and his program without depriving the country of an effective opposition party in Parliament. Without P.R. the Social Democratic party would have been reduced from 31 per cent to 18.6 per cent in strength and the CDU would have been so awkwardly large with 71 per cent of the seats that the Chancellor might have found his majority to be lopsided and unmanageable.

The device of using two votes worked successfully, without producing either abuses or unusual results. But more importantly—and this is the second special point—the restrictive provisions against splinter parties resulted in a concentration of party representation in six parties. Moreover, the two large parties remained large and the relative strength of the minor parties was reduced. What this means for the stability of parliamentary government in West Germany needs no further argument.

Actually, the concentration of power in the hands of the CDU has a somewhat different meaning than it would have in a country with a two-party system. The CDU includes its Bavarian counterpart, the CSU, which does not always see eye to eye with its North and West German colleagues. Its 52 seats constitute an important faction in the total CDU strength. Similarly, the strength of the Refugee party, the BHE, may be only temporary and its vote may in the next election be merged with the vote of one or more parties. Also, the Bavarian party was eliminated from representation in the *Bundestag* but still exists as a force in the Bavarian *Landtag*. Similarly the Heinemann party, known as the *Gesamtdeutsche Volkspartei*, while it secured over 300,000 votes throughout the Federal Republic, is without *Bundestag* representation and may disappear before another election.

Thus party movements are still in a state of flux in Germany and while the number of parties has been brought down to a reasonable figure, there is still plenty of evidence of the strong fissiparous tendencies which have been a feature of German politics. In 1953 the Germans under their compromise law kept *Splitterparteien* under control while at the same time giving an incontrovertible mandate to one party. The latter would not have been possible without the

[24] A publication of the Statistical Office of Rheinland-Pfalz entitled *Wahlverfahren und Demokratie* (Bad Ems, 1949), prepared by H. Unkelbach under the direction of Prof. Dr. Zwick, the President of the Office, is very useful in studying German electoral problems. Evaluations or reports of the 1953 election worthy of mention are the article by Prof. Grewe in *Archiv des öff. Rechts, Band 79, Heft 2, S. 245 ff.* (Oct., 1953); an issue of *Der Wähler, Heft 7/8* (1953) entitled "Das deutsche Wahlwunder;" and Sigmund Neumann, "The German Elections—Meaning and Impact," in *Foreign Policy Bulletin*, Aug. 15, 1953, pp. 1–3.

former, and it is all the more commendable that strength and stability in the government have been achieved without sacrificing sound principles of representation, including minority rights.

Not without considerable significance is the fact that a commendably high voting participation of 86 per cent was recorded in the 1953 election. The voters were attracted to the voting places by the challenge of an effective campaign, and had no reason to fear that their votes might be wasted through the operations of an unrepresentative electoral system. In the nominating as well as in the election process, more German electors participated than ever before. Unless one neglects the factor of voter participation entirely in considering the excellence of a voting system, he must credit the 1953 German system with producing highly satisfactory results.

In Germany's present state of semi-sovereignty and with the country still divided, the election of 1953 will go down in history as one which, so far as both foreign and domestic reactions are concerned, registered a clear expression of the popular will in favor of the policies of the Adenauer government, and gave to this government a stronger and more stable base than exists in any other Western European country. In other words, the election results were clear and unmistakable; there was no "clouding up of the mirror" which reflects popular opinion. Germany's internal politics were clarified at the same time that its foreign position was strengthened. No one could fairly claim that this extraordinary situation resulted entirely from Germany's new voting system. But the system certainly permitted and made possible these happy results. A change in any one of its main features would have produced some confusion, uncertainty, and dissatisfaction. As it is, the second German Parliament and a strong government now responsible to it are functioning efficiently as the country's genuinely representative institutions. Respect abroad is high for the Bonn government; party leadership and responsibility at home are superior; and real progress is being made in reconciling diversities and in moulding the young state into a workable democracy. The newly elected Parliament will do well not to disturb internal political arrangements by tinkering with its presently satisfactory electoral system.[35]

[35] Since the 1953 law was adopted for this election only, the *Bundestag* must enact a permanent electoral law during its present term. Due to serious differences of opinion about the matter within the government parties, as well as to the press of other business, little progress has been made to date (Feb., 1955). In the light of Germany's experience with two postwar general elections and with numerous state and local elections in which a combination of P.R. and the plurality system have been used successfully, it seems unlikely that a return to the plurality system of Imperial Germany will occur.

NEO-FASCISM IN WESTERN GERMANY AND ITALY*

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The action of the French National Assembly in the late summer of 1954 finally ended the hopes of proponents of the European Defense Community Treaty. Today the treaties and protocols of the London and Paris Conferences which proposed the creation of a Western European Union are the objects of official scrutiny. Both Italy and Germany will become members of the Western European Union after the appropriate ratifications of these documents. The restoration of Germany to a status of equality with that of other Western European states and her admission into NATO have been proposed by the Foreign Ministers of the Western powers.

But behind these actions there has lurked a fear which is reflected in many European countries, the fear of a neo-fascist rebirth in Western Germany and Italy. The image of a rearmed Germany, feeding on the industry of the Ruhr and associated with a Nazi revival, frightens many French parliamentarians. In Britain, the Bevanites have expressed left-wing Laborite fears of German rearmament and have associated it with probable fascist direction. Said their leader on November 18, 1954, in a parliamentary exchange: "Do you think the people of this Country will be safer against the prospects of war if German armies and their Nazi officers have atom and hydrogen bombs?" The neutralism prevalent among some groups in Western Europe can be interpreted in part as their reaction to similar questions. And in the United States, there has not been lacking in some quarters a belief that there is a dangerous spectre which is haunting Western Europe and the world, namely a neo-fascist revival on the north side of the Rhine.

At the moment this fear is being fully exploited by Soviet leaders. Deputy Premier Maxim Z. Saburov recently charged that "Hitlerite generals" and others who plotted "Hitler's agressions against France, Poland, Czechoslovakia, and the Soviet Union and other peace-loving countries" were again gaining power in Germany. The text of the Soviet note of November 13, 1954, to France proposing an all-European Security Conference charged that "a West German army is being created under the leadership of those German generals who headed the Hitler army in the years of the Second World War and were co-participants in the Fascist creation and cultivation of Hitler's New Order in European countries."[1] This charge constitutes an effective weapon which Soviet propagandists have directed against efforts to secure a greater degree of political and economic unification and military integration in Western Europe.

* This paper is a revised and substantially expanded version of one originally read at the 26th annual meeting of the Southern Political Science Association, held in Columbia, South Carolina, Nov. 4–6, 1954.

[1] Quoted from text in *New York Times*, Nov. 14, 1954, p. 2.

It has also been a useful tool in their efforts either to neutralize Western Germany or to unify Germany on Soviet terms.

For these reasons, an appraisal of the neo-fascist developments in Western Germany and Italy is justified at this crucial time. If Italy has not occupied the attention of the public to the same degree as Western Germany, it is because of a general recognition that she plays a less important role in the European power structure. But Italy carved a fascist path from 1922–1926 to be followed later by Germany, which proved both stronger and more "totalitarian"[2] in the end. Also Italy's strategic geographic position lends to internal developments in that country an especial significance for all of Europe.

In discussing neo-fascism in both Germany and Italy, we shall not be concerned with the question of its desirability as a political alternative. The answer can be taken for granted. Rather, we shall examine the concept of fascism and weigh the evidence which points to such a neo-fascist revival and potential development. In terms of time, our emphasis is upon the present rather than the future, and where we are tempted to make prediction or prophecy our compass is the short rather than the long range.

Some researchers hold that certain persons and groups of persons are more "prone" to fascism than others. The authors of *The Authoritarian Personality*[3] conclude on the basis of their researches in the United States that the "authoritarian" man is a type to be found in all countries. He possesses certain traits which are empirically ascertainable, such as a tendency toward compulsive conformity to ideas of orthodoxy, a concern for obedience and discipline, a "latent tendency toward dependence," and, in particular, a "herd-minded" attitude (ethnocentricity). These traits determine the proneness toward "authoritarianism" (as this term is used by the collective authors). This "readiness level" of susceptibility to authoritarianism is particularly marked among certain individuals and among certain groups; and from authoritarianism to fascism there is only a step, at least in the sense that the authoritarian personality is "the potentially fascistic individual."

The advocates of various vacuum theories, namely that fascism is that something which fills the void created when a prevailing set of beliefs has been shattered or has disappeared, explain fascism in terms of a replacement—poor but filling. "The masses must have something. They cannot endure the vacuum," said Peter Drucker. "Fascism is the result of the collapse of Europe's spiritual and social order," he continued. "The last decisive step leading to this collapse was the disintegration of the belief in Marxist socialism." Whether this replacement follows the "End of Economic Man," or the lack or disappearance of an orthodox religious faith—or whether it represents an "Escape from Freedom" or a "flight from freedom into forgetfulness," it provides something in the way of a secular substitute, a type of political religion for that which has disap-

[2] Professor Hannah Arendt refuses to classify Fascist Italy, in contrast to Nazi Germany, as a "totalitarian" country. *The Origins of Totalitarianism* (New York, 1951), esp. pp. 256, 258 ff.

[3] T. W. Adorno *et al.*, *The Authoritarian Personality* (New York, 1950).

peared.[4] To these writers the antidotes for fascism, or other extremist political alternatives, are a return to orthodox religious faiths, or the development of loyalties based upon reason and a belief in a common authority of divine origin, or the common acceptance of principles of justice, etc. Some of the writers of this bent are pessimistic when they survey the present German and Italian scenes and appraise the extent to which such faiths, loyalties, and beliefs have been either revived or created. Hence it would appear that prevailing psychological and spiritual conditions point toward the possibility of a repeat performance of fascism, or, alternatively, experimentation with some other extreme nostrum.

The Marxist, in his various hues, still views fascism as one phase in the inevitable passage of the dialectic on the way to the uncertainty of its final resting place. Fascism may be viewed as the actual *stage* of monopoly capitalism. Or the stress may be placed, to borrow from recent writings, upon the *techniques* and *means* for securing the "fortress of capitalism." Since capitalism has not been liquidated in Western Germany or Italy, fascism has never disappeared in the eyes of some. Or, if fascism was temporarily liquidated after World War II, there is always the possibility of its recurrence so long as vestiges of capitalism remain.

We cannot here pass upon these points of view—the limitations and inadequacies of the first two and the faulty assumptions of the third. Fascism, at least where it exists as a mass *movement*, cannot be adequately explained by the findings of psychological laboratories in the United States, which provide the data for the hypothetical recurrences placed in different environments and foreign settings. Some of the writers of the vacuum school have pointed to basic factors which have facilitated the rise of fascism, but they have been unable to deflect their vision from the bottomless pit to other contributing phenomena. Included in these phenomena are certain of the economic factors which the Marxist stresses, only to ignore other factors, or to distort them along with the economic ones by fitting them into his preconceived frame of reference. This frame of reference has made it difficult for the orthodox Marxist to appreciate the nature of the drives of the lower middle classes and of the both fundamentally revolutionary (in the Aristotelian sense) and essentially anti-capitalistic character of fascism. But we do mention these as illustrative interpretations which have currency and which, if accepted, would necessarily color our conclusions regarding the possibility of a neo-fascist revival in the future.

For our purposes, the concept of fascism will be viewed as embodying a combination of institutional manifestations and dogmas or theories. These institutional manifestations include undemocratic forms of government, marked by the features of an unconstitutional dictatorship; agencies to restrict the freedom and autonomy of the individual toward a "state of the masses"; military agencies for waging imperialistic war; and *non*-capitalistic forms of economic

[4] There is a comparable group of writers who explain the success of communism in somewhat similar fashion. Note the summary in Gabriel A. Almond, *The Appeals of Communism* (Princeton, 1954), pp. 183–84.

control, to which the vague term "corporative" has often been applied. The dogmas or theories include such positive components as nationalism, corporativism, imperialism, and rule by an elite. They also include, on the negative side, anti-semitic, anti-democratic, anti-Marxist, anti-liberal and, especially, anti-rational components. This combination of institutional manifestations and dogmas or theories reflects the particularity of the country's historical background and of the social, cultural, and economic environment.

With this concept as a point of departure, four questions suggest themselves for examination:

1. Is the historical and environmental setting in Italy and Germany today ripe for a neo-fascist revival, keeping in mind the circumstances which encouraged fascism between World Wars I and II in these two countries?

2. Is there a well-defined body of neo-fascist dogmas or theories which claims wide acceptance in Italy and Western Germany?

3. Are there effective organizations, movements, or parties to serve as the proponents and implementers for such dogmas or theories in these two countries?

4. Are there special buffers which would hinder the success of such organizations, movements, or parties and what are the conditions under which these buffers might not prove efficacious?

I

Those who are inclined to stress the factors in the Italian setting which are favorable to a neo-fascist revival point out the continuing differences of caste and class; the economic quicksands in a country poor in natural resources, restricted in its capital accumulation, and the victim of chronic unemployment of around two million; the existence of particular social groups which are reacting against a loss of prestige, or real income, or both—upper civil servants, the displaced and unemployed intelligentsia, and the skilled workers whose real income has shown a continued tendency toward equalization with that of the unskilled workers; some southern land owners who have been resentful of the partial land reform undertaken since 1950; industrialists who are fearful of communism; and those of the youth to whom nationalism is identified with fascism. A mood of hopelessness can lead, it is argued, to *any* extremist political experimentation for that numerous part of the population which feels that it has "nothing to lose." They point further to the existing legislation which has been carried over in unchanged form from the fascist period (especially legislation affecting public safety, police organizations and procedures, public demonstrations, etc.). The governmental bureaucracy, it is further alleged, was never really "purged" and is staffed in the upper echelons by many unrepentant fascists.[5]

[5] John Clarke Adams and Paolo Barile, "The Implementation of the Italian Constitution," this REVIEW, Vol. 47, pp. 61–83 (March, 1953); and cf. the author's "Reform of the Italian Bureaucracy," *Public Administration Review*, Vol. 13, pp. 247–56, at p. 249 (Autumn, 1953).

Western Germany offers many points of difference, especially in the economic sphere, where there has been amazing progress since the currency reform of 1948. But some of the same conditions favorable to neo-fascism in Italy, it is alleged, are also present in the Federal Republic, where they are aggravated by such social problems as those produced by the millions of partially assimilated refugees and displaced persons and the heritage of National Socialism. There are few German leaders in the political area, outside of Adenauer and Heuss, who can command general respect and whose names carry great prestige. Above all, the territorial division of Germany gives the problem of German unification deep, almost pathological, significance. There is lacking a deepseated agreement upon fundamental issues except this one of unification. Here, the differences (and they are bitterly presented at times), are over the strategy and means to attain the desired end. Even such a thoughtful observer as Hans Speier, in looking at the backdrops, is convinced that "German society is still, by and large, a synthetic structure created upon the debris of National Socialism, defeat and disillusionment, accommodation to foreign powers, and feelings of guilt and defiance." "Germany's institutions," says he, "command little respect."[6]

There is a brighter side to the Italian and German pictures which are painted by these critics. Italy's industrial production is today over 50 per cent higher than in 1938; her currency is one of the most stable in Western Europe; her parliamentary system, though recently revived and fragile and under continual attack from within and without, is today loosely anchored in a coalition, representing a bare majority in the Chamber and Senate, with its pivot moving toward the center and left wings of the Christian Democratic party; Zone A, including the City of Trieste, has been returned to the homeland; the Western European Union may revive a small part of the deepseated enthusiasm among important groups in Italy for a more united Europe; and the limited land reform and the modest accomplishments of the *Cassa per il Mezzogiorno* have provided some hopes among socialist cynics, especially among the Saragat-led supporters of the present government.

And in Germany—even if it is too early to determine the degree of lasting acceptance of the fundamental premises on which such a parliamentary system must rest—we can see the parliamentary system functioning through political parties which, while still exhibiting some evidences of the artificiality of their recent creation or revival, accept today at least the formal rules of a parliamentary system. The sharpness of the earlier pre-1933 ideological gulf between classes and *Weltanschauung* parties has been tempered. It is probably less marked in Germany than in either Italy or France. There is no colonial question to add to the unification issue, which might furnish extra fuel for the deepseated nationalistic fires. There is an absence of a floating group of ex-soldiers and a limited number of unemployed in an economy providing Germany's highest average real income since World War I, a gross national product which has doubled since 1949, and estimated investments in 1954 which would represent

[6] "German Rearmament and the Old Military Elite," *World Politics*, Vol. 6, pp. 147–68, at p. 149 (Jan., 1954).

over 20 per cent of this gross national product. Despite some authoritarian aspects of the Adenauer regime, there is a growing sense of stability and moderation. But it reflects, observed Otto Kirchheimer in a somewhat optimistic vein, a "mellow conservatism" which is "fearful of involvement," and of "political experiment,"[7] including neo-fascist experiments. Whatever Germans think of American conceptions of democracy, and their attitudes are mixed, they generally hold a strong aversion for a reappearance of the features of a fascist political system which they associate with the dismal past.

II

In commenting on the second question, that is, whether there are well-defined fascist or neo-fascist dogmas or theories which claim wide acceptance in Germany and Italy, we must recognize the temptation to broad and unsupported generalization. However, *nationalism* in its older and newer forms is present in ample degree in both Italy and Western Germany; witness the position of nearly all parties where territorial considerations involving Trieste or German unification have been raised.[8] *Corporativism*, as viewed in the light of the precedents furnished by the past Italian and German fascist systems, can flourish under various guises: as a theory of organizational structure based on previous precedent, with particular stress on officially defined membership and functions of associations recognized by the state and legally termed "corporations"; as a theory which provides a façade and rationalization for government policies which emphasize economic autarchy, fixed prices, extensive state controls over the economy; and as a theory which is centered on a particular type of economic or functional representation, wherein the producer is stressed. If we assume that fascist corporative theory would incorporate something from all three of these elements, *including* the first and third, there does not appear to be a *widely* accepted advocacy of such corporativism in either country.[9] Theories of the *elite* are found in some form in all countries. Here

[7] "Notes on the Political Scene in Western Germany," *World Politics*, Vol. 6, pp. 306 ff. (April, 1954). Note the pertinent comments by an astute observer, James K. Pollock, in "The Electoral System of the Federal Republic of Germany," this REVIEW, Vol. 46, pp. 1056–68, esp. pp. 1065 ff. (Dec., 1952).

[8] Not the least nationalist of German political parties has been the Social Democratic party, which has accelerated its past "trend toward nationalism." See Henry L. Bretton, "The German Social Democratic Party and the International Situation," this REVIEW, Vol. 47, pp. 980–96 (Dec., 1953).

[9] This is not to deny that there has been corporative writing which is reminiscent of the Fascist past. In Italy, reference might be made to Camillo Pellizzi, *Una rivoluzione mancata* (Milan, 1949), esp. pp. 215–22. Pellizzi, a former professor of political science at the University of Florence, was president of the Institute of Fascist Culture from 1940–1943. Mention should also be made of *Giovanni Gentile*, ed. Vittorio Vettori (Florence, 1954), in which the contributors borrow heavily from Gentile's posthumous writing, *Genesi e struttura della società*, which appeared in 1946. Christian Democratic corporative theories contain a wide variety of points of view, ranging from those held by members of the left, center, and right wings of the party. The masthead of the publication of the anti-Laurian monarchists, *Italia Monarchica*, carries the motto, "*Patria, Libertà, Corporativismo.*" On

suffice it to say that there are no reputable theorists or widely accepted elite theories in Italy or Germany which furnish serious resemblance to the justifications offered for the roles of *Der Führer* or *Il Duce*. *Anti-semitism* in Italy was largely manufactured after 1938, though it had deep roots in Germany[10] which have been far from eradicated in the postwar decade. But in neither country have major and continued evidences of anti-semitism of an overt type appeared. Despite local episodes, especially in Berlin,[11] no political party except minor ones has yet sought to capitalize on it on a national scale. *Anti-democratic* attacks upon parliamentary government have been in evidence on both the extreme right and left in Italy and Germany, but the rightist attacks do not always evidence logically consistent anti-democratic assumptions. These illustrations indicate that there are some significant theoretical threads which, if woven together in a meaningful way, might collectively constitute a general theory of neo-fascism. But neither in Western Germany nor in Italy to date has there appeared any major writing with the requisite degree of acceptance to serve as an umbrella or a central connecting rod to cover or to join these theoretical threads.

III

To pass to the third question, namely, is there a well-defined organization, movement, or party which considers itself or is considered by others to be the spearhead for the distribution or implementation of neo-fascist dogmas or theories? Charges of the continuance in office of former Nazi officials have frequently been made.[12] Dr. Otto John's defection to the East in 1954 offered him

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the background of Christian Democratic corporative theories in Italy, consult Luisa Riva San Severino, *Il movimento sindicale cristiano* (Rome, 1950). (For calling my attention to certain of the writings mentioned above, I wish to express my indebtedness to Mr. Dante Germino.) In addition, particular mention should be made of the argument by H. Stuart Hughes that in Italy "Corporative procedures and the corporative mentality remained" and are the "dominating features of the Italian economy today," *The United States and Italy* (Cambridge, 1953), pp. 180 ff. Some of the differences in viewpoints regarding the significance of corporative theory in Italy may be explained in part by differences in the use of the term "corporative," which lends itself to a wide variety of definitions.

In Nazi Germany *after* 1935, Nazi spokesmen rejected violently the concept of a *Ständestaat* and only occasionally made passing reference to corporative organization. See the author's "Corporative Organization of the Third Reich," *Review of Politics*, Vol. 2, pp. 438 ff. and esp. pp. 460–62 (Oct., 1940). It is to be doubted that a new neo-fascist leader in Western Germany would, if he viewed past precedent from 1935–1945, consider "corporative organization" (*as he would define it*), to be an essential feature of a new *Reich*.

[10] Cf. Arendt, *The Origins of Totalitarianism*.

[11] Note, for example, the charges of the Jewish Communal organization and certain other groups against the German party following a party rally in Berlin, *New York Times*, Nov. 26, 1954, p. 1. In the municipal elections held on December 5, 1954, the German party failed to secure the necessary five per cent of the popular vote which permits representation in the city's legislative body.

[12] See the author's "The Democratization of the German Civil Service," *Journal of Politics*, Vol. 14, pp. 3–18 (Feb., 1952).

an occasion to broadcast such charges from the Soviet controlled part of Germany. The West German Trade Union Confederation voted in October, 1954, by 380 to 4 that "the remilitarization and creation of a German army, as provided by the London Agreement, brings about the danger of an authoritarian state"; and the leaders of the young trade union members expressed doubt that a "democratic army" could be expected in Germany in the next decade and a lack of confidence in the officer corps and non-commissioned officers who would have received their training in the "Nazi army."[13] Leaders of the Social Democratic party have given strong expression to similar views, most recently in *laender* elections in November, 1954, in Hesse and Bavaria. Chancellor Adenauer, who has himself been deeply concerned about the inherent dangers of a powerful German army to the West German democratic system, recognized, in one of his first statements regarding the relations of the armed forces and the state, the strength of these criticisms and emphatically insisted that the army must be strictly subordinated to civilian control in the future.[14] There are deep-seated fears of a new German army, not only as a future device for restoring "Prussian militarism" but also as a means of directing this militarism into fascist channels.[15] The death of EDC, with its provisions for a *European* army, will increase these fears, even if for the time the realization of the limited role which the German army can play in the European balance of power, the reactions of the youth toward military service, and the memories of the last war will restrain those forces which might seek an uncontrolled military establishment. And in Italy as well there have been frequent charges, some of them only partially substantiated political charges, that the present army has carried over much of the personnel of the fascist regime. But history of the modern epoch provides no Italian analogy for the spirit of Prussian militarism, and even if it did the record of the Italian army under Mussolini could hardly arouse fears of its sudden revival.

There are also suspicions of the higher bureaucracies of Western Germany and Italy, which, it is alleged, have never been democratized.[16] It is true that the German and Italian bureaucracies were affected less by World War II than most other institutions, including the armies, which were destroyed. It is also true that the civil service superstructure in both countries has lagged behind

[13] *New York Times*, Oct. 10, 1954, p. 19; HICOG, *Labor Headline News*, Oct. 11, 1954, pp. 1–3.

[14] *New York Times*, Nov. 8, 1954, p. 1. In announcing his plans to relinquish the post of Foreign Minister, Chancellor Adenauer indicated that he wished to devote his attention to West German rearmament so that "the military does not gain the upper hand over civil power," *ibid.*, Dec. 5, Sec. 1, p. 12. But the problem of screening officers, including the noncommissioned ones, in the new national army is causing concern among certain German observers, *ibid.*, Nov. 14, 1954, Sec. 4, p. 6.

[15] Note J. W. Wheeler-Bennett's analysis of the role of a politicalized German army, and particularly after 1938, in his *The Nemesis of Power* (New York, 1954).

[16] Arnold Brecht, "What Is Becoming of the German Civil Service," *Public Personnel Review*, Vol. 12, pp. 83–91, esp. pp. 84–85 (April, 1951); Franz Neumann, *German Democracy 1950*, International Conciliation Pamphlet No. 461 (May, 1950), esp. pp. 257–58, 263–65; but cf. James K. Pollock, "The First Year of the Bonn Government," *Journal of Politics*, Vol. 13, pp. 19–34, at p. 21 (Feb., 1951).

the societies as a whole in their hesitant adoption of democratic ideas and practices. But the basic loyalties of these bureaucracies were never fundamentally fascist. Perhaps it would be proper to term their past loyalties, as did the late Franz Neumann in his *Behemoth*,[17] as essentially pro-bureaucratic, which implies a willingness to "march with the strongest army." In any event, the political flexibility of such loyalties would necessarily occasion uncertainty to proponents of a democratic order. These suspicions and fears are in our opinion exaggerated; nevertheless the army and the bureaucracy are the most significant institutions to observe and the institutions which will largely set the "political style" for the future in Western Germany and Italy.

As distinguished from the institutions of the army and the bureaucracy, there are various fascist-oriented organizations in Western Germany and Italy which are concerned with influencing public opinion directly, or with securing representation in parliamentary bodies. In Western Germany these have included a long list of singing societies, *Brüderbunde*, youth organizations, and, to take a recent appearance on the scene, mutual benefit societies the purposes of which are to recover property confiscated from former Nazis by Denazification Courts and to combat derogatory stories about former Nazi agencies.[18] Veterans' organizations have offshoots which occasionally reflect the memories of former Nazi military formations. After 1948, political parties of the extreme right with more or less distinctive fascist leanings have included the German Reich Party and others. The most important and most distinctively fascist party was the Socialist Reich party (SRP), which was founded in 1949 and disbanded in 1952 in the face of pending proceedings before the Constitutional Court calling for its dissolution as violative of the German Basic Law.[19] The SRP represents the postwar highwater mark of the efforts of former Nazis or sympathizers to realign themselves into a political party. Today neither an extreme leftist party, nor an extreme rightist party with Nazi leanings has representation in the German Bundestag. But be it added that some credit therefor may be given to the provisions of the new Electoral Law of 1953, which increased the difficulties faced by minor parties in securing parliamentary representation, as well as to the vigilance of the Adenauer Government in enforcing constitutional laws against parties or groups seeking the overthrow of the constitutional system.[20]

[17] "The ministerial bureaucracy . . . are neither pro- nor anti-National Socialist, but pro-ministerial bureaucracy." Quoted from the original edition (New York, 1942), p. 373. The post-war apologia of former high bureaucrats in both Italy and Germany furnish added support for this viewpoint. Cf. John H. Herz, "German Officialdom Revisited: Political Views and Attitudes of the West German Civil Service," *World Politics*, Vol. 7, pp. 63–83, at p. 66 (Oct., 1954).

[18] These latter organizations publish a monthly periodical, *Die Anklage*.

[19] On the background, see HICOG, *7th Quarterly Report on Germany* (1951), pp. 30 ff., and *9th Quarterly Report on Germany* (1951), pp. 44 ff. In the elections in Lower Saxony on May 1, 1951, 16 SRP candidates were elected to the legislature composed of 158 members.

[20] On the eve of the national election in September, 1953, the National Government requested the dissolution of the German Reich Party by the Constitutional Court, charging that its membership showed it to be the successor of the SRP and that it had unconstitutional objectives.

More effective and more significant have been the efforts of former Nazis to infiltrate the political parties now represented in the *Bundestag*.[21] The German party and the All German Bloc fell heir to certain of the adherents of the disbanded SRP and the latter party, in particular, has received the support of other former well-known Nazi figures. The most notorious illustration of such infiltration was that of the much publicized activities of the Ruhr group headed by Dr. Werner Naumann (a former Goebbels aide and an officer in the SS), the members of which were arrested in the British Zone in 1953, originally by British officials, and charged with contacts with former Nazi leaders, at home and abroad. Naumann's personal party affiliations had been with the Free Democratic party, but his group was officially charged with efforts to infiltrate all of the parties of the Adenauer coalition and to infect them with "National Socialist and unconstitutional ideas." The case against Dr. Naumann was dropped by the German Supreme Court in December, 1954, on the grounds of "lack of evidence."[22]

There have also been groups, other than political parties, in Italy possessing devious ideological sympathies for the previous regime. There has been, too, the infiltration into the political parties by former well-known Fascists. But the most significant development has involved the steady evolution of the Italian Social Movement (MSI) since it appeared on the political party scene in Italy. Preceded by the nebulous Common Man Front (*Uomo Qualunque*) which had at best only a negative and potentially fascist program, the MSI polled around two per cent of the popular vote in the national election of 1948 and a little under six per cent in that of 1953. Its vote of 1,580,385 in 1953 was not overly impressive, being exceeded by that of the other rightist party, the Monarchists. Including membership ranging from teen-agers who have retained the memories of postwar privation to hardened veterans of Mussolini's ill-fated Republic of Salò, its chief feeding grounds have been the frustrations of members of the lower and upper bourgeoisie, especially in the South. Its unpredictable "heroes" and also its "martyrs" have been in the past the late Marshall Graziani and Prince Borghese; its direction has largely come from its past Secretary and recently elected President, Augusto De Marsanich, a former Salò Republic official. Its authoritarianism, its elitism, its nationalism (especially directed against the EDC and Atlantic Pact), its anti-communism, its gestures toward anti-semitism, its distrust of parliamentary government (apparently to be replaced by a government of technicians), and its cautious reflection of the trappings of the Fascist regime[23] have made it easily the most dis-

[21] Hans Jaeger, "Neo-Faschismus in Deutschland," *Deutsche Rundschau*, Vol. 79, pp. 139 ff. (Feb., 1953).

[22] The Naumann group was originally also accused of contacts with Communists in the East. One journalist, after reflecting on the Naumann episode, has correctly observed: "the apparent vitality of the Neo-Nazis in Germany is highly deceptive." It was actually "their very weakness, as evidenced by last year's Bundestag elections," he maintained, that encouraged contacts with the Communists. Edmond Taylor, "Germany: Where Fascism and Communism Meet," *Reporter*, April 13, 1954, pp. 10 ff.

[23] See Mario Rossi, "Neo-Fascism in Italy," *Virginia Quarterly Review*, Vol. 29, pp. 505 ff. (Autumn, 1953).

tinctive fascist party in existence today in either Western Germany or Italy.

Including some membership more sympathetic to the monarchist traditions than to the fascist precedents, more conservative and also reactionary in outlook, more concerned with the economic interests of the large land owner, and less revolutionary in their attitude toward existing institutions, is one wing of the Monarchist party, heavily supported for historical and other special reasons in the economically depressed South. In 1953, the Monarchists, now split into two factions,[24] received 40 seats in the Italian Chamber of Deputies, as compared to 29 for the MSI, out of a total of 587 members. One ultra-nationalist and anti-parliamentary wing has shown a greater willingness than the other to collaborate with the MSI, and some moves for joint action, or at least closer voting collaboration in Parliament, have been reported.

Despite the repeated prophesies about Italy's "drift to the left" since the June, 1953 national election, when over 35 per cent of the voters cast their ballots for the Communists or Nenni Socialists, De Gasperi not long before his death felt that there was more possibility of a coalition government of the Right in which MSI fascist influences would be marked than a government of the Left—that is, if these were the only two choices.[25] But the resignation of Gedda as head of the Catholic Action, the steady rise of Fanfani and his allies in the left wing of the Christian Democratic party, and the significant Ministries held by the Saragat Socialists in the present Scelba government all point increasingly to a parliamentary fulcrum moving toward the non-communist Center and Left. Here, the blandishments of the Nenni Socialists may offer continuing temptations to coalition—at least to those who can forget the realities of the Communist control of this party.

IV

For the time being there are a number of special buffers to the rise and success of a neo-fascist party or movement in either Germany or Italy. To mention first the most obvious one, neither in Fascist Italy nor in Fascist Germany was there agreement among the faithful at the end as to the successor for the departed leaders. Indeed the problem of succession was never very seriously considered in either country, despite passing arrangements and gestures made to provide for such an eventuality. Hence, at least to the extent that ties with previous fascist regimes might provide some basis of "legitimacy" for a new leader, there are ample opportunities for conflict among rival claimants or prophets. The presence of foreign troops in Western Germany, still formally an occupied country, coupled with the continuing legal prohibitions by the occupying powers against fascist formations or movements, is of significance.

[24] The significance of this split may be seen in the voting behavior of the Monarchists in the Chamber of Deputies, when the Scelba Government was given a vote of confidence by a vote of 295–265 on the Trieste settlement. *New York Times*, Oct. 20, 1954, p. 1. For the action of the Monarchists on an earlier vote of confidence in the Senate, see *La Stampa* (Turin), Oct. 9, 1954, p. 1.

[25] Note the comments of C. L. Sulzberger in the *New York Times*, March 15, 1954, pp. 1 *et seq.*

The use of Italian naval bases by American naval units, the presence of British and Italian troops until recently in Trieste, and extensive American economic aid have all been either directly or indirectly designed to support the center political parties and their foreign and domestic policies. Such evidences of foreign support have probably encouraged the authorities from these center parties in enforcing provisions of their Constitutions directed against organizations or movements which aim at the subversion of the constitutional order.[26]

Despite the discouraging failure of the average German or Italian to appreciate the immoral aspects of their respective fascist regimes, political developments culminating in the framing of their present Constitutions have been marked by a strong aversion toward the fascist regimes of the immediate past. The percentage of the popular vote secured by the two major parties in Germany in 1949 and 1953 indicates the continued appeal in Germany of the moderate parties. The stability through the second half of 1954 of the center coalition in Italy, despite internal tensions and its slender majority in both houses of Parliament since the national election in June, 1953,[27] avoids, at least for the time, the necessity of political concessions to parties of either the Right or Left to maintain parliamentary majorities.

And the youth, especially in Germany, may, despite its deeply skeptical attitudes, prove to be a moderating force. In the improbable event that a functioning Western European Union might capture their imagination, as did the EDC, it could furnish some answer to the deep and unrequited urge for a greater European integration and unification. It would thereby provide some antidote for a fascist appeal to their nationalism. In this connection we may point to a surprising and possibly significant voting phenomenon in Germany. It was the young voters under the age of 30 who provided the most middle-of-the-road voting behavior in the election of September 6, 1953 (however, they also have a record of relatively lower voting participation than other age groups of voters). The male voters between the ages of 40–60, be it noted by way of comparison, furnished proportionately to numbers the largest percentage of votes for the parties of the extreme Left and Right.[28] But it is still much easier to probe the aversions of these youth than to appraise their positive loyalties.

[26] Note, in the Basic Law of the Federal Republic, Art. 9, prohibiting "associations directed against the constitutional order" and Art. 21, which confers on the Federal Constitutional Court the power to dissolve parties which "jeopardize the existence of the Federal Republic."

[27] The regional election in Val d'Aosta in November, 1954, resulted in a surprising victory for the Christian Democrats, *La Stampa* (Turin), Nov. 16, 1954, p. 1.

[28] For these unusual statistics on the elections of 1953, making possible these general comparisons, see *Wirtschaft und Statistik*, Vol. 6, pp. 9–13 (Jan., 1954). Passing comments on the voting behavior of Italian youth between the ages of 21–24 for the two chambers of the Italian Parliament may be found in Joseph La Palombara, "The Italian Elections and the Problem of Representation," this REVIEW, Vol. 47, pp. 676–703 (Sept., 1953). According to data furnished by Professor Ithiel de Sola Pool, a poll taken in Italy on the eve of the election of 1953 indicated that the youth in Italy was percentagewise much less "middle-of-the-road" in its voting behavior than in Germany.

In short, there are today certainly several buffers to the extreme appeals of a neo-fascist revival in Germany. But the significance of these buffers in the long run, as distinguished from the short range, must necessarily take into account any number of possible eventualities in the period ahead. These eventualities could work quite differently in Italy and Western Germany. A world war, or even an intensification of the present Cold War, would change the picture in unpredictable directions. And attempts to unify Germany by force would probably result in a new world war. At the same time, the failure to realize the unquenchable drive for German unification can also lead to an unpredictable choice of political alternatives in the long run. Of these, neo-fascism would appear to be one alternative. An economic depression, similarly, would have unforeseen consequences. The history of Germany between the two World Wars offers effective testimony. A formal split in the already ideologically divided Christian Democratic parties in Italy, with De Gasperi gone, and in Germany, after Adenauer has bowed out, might well create a gulf between Left and Right. Such a gulf might encourage the hopes of those groups of the Right to whom nationalism is a religion and furnish the background for some nationalist oriented political system, whether fascist or not. Above all the sudden arousal of fears of a *coup d'état* by the Communists in Italy might increase the chances of some extremist nationalist and rightist resurgence, including a neo-fascist revival.[29] But, today, neo-fascism is not a seriously considered alternative in Western Germany nor an immediate threat in Italy.

[29] "We have decided," said one "prominent Italian" recently to Walter Lippmann in Rome, "not to surrender the state to the Communists, not to allow them to take power even if circumstances were to give them the legal votes." *Durham Morning Herald*, Oct. 23, 1954, p. 4. Cf. Joseph G. La Palombara, "Left-Wing Trade Unionism: The Matrix of Communist Power in Italy," *Western Political Quarterly*, Vol. 7, pp. 202–26, at pp. 202–4 (June, 1954).

TREASURY CONTROL: THE COORDINATION OF FINANCIAL POLICY IN GREAT BRITAIN

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Any account of British government will lay stress on the power and importance of the Treasury. But although the parliamentary side of British finance has been fully described in various works, very little has been written about what goes on in this field within the administration and in particular about the operations of the Treasury. What precisely does the Treasury do and how does it do it?

The typical business of the Treasury is the control of certain activities of other departments. It is, in the words of one of its former high officials, "the traditional coordinating department." That does not mean that the Treasury coördinates the whole of Government policy. No single staff agency in British administration can claim so large a duty, unless we take in earnest those civil servants who lump together as one entity the Treasury, the Lord President's Office, and the Cabinet Office under the irreverent title of "The Great George Street Front." Through the Treasury, however, various large aspects of policy are concerted and controlled, and by a study of its operations we may get some idea of how the business of coördination is carried on under Britain's peculiar plural executive.

This article will be concerned with the control of expenditure, a part of the Treasury's business which is conducted by the Supply divisions. One purpose of that control is, of course, "prudent housekeeping," the promotion of economy and efficiency. Its principal purpose, however, is the coordination of financial policy.

Before turning to this subject, we need very briefly to sketch the position of the Supply divisions in the organization of the Treasury as a whole. Under the Chancellor of the Exchequer and his two ministerial assistants, the Financial and the Economic Secretaries, the head of the Treasury is its Permanent Secretary, who also enjoys the title of "Official Head of the Civil Service," as well as a salary rather larger than that of other Permanent Secretaries. In comparison with other departments, the organization which he heads is small, including some 1500 persons, of whom about 200 are members of the Administrative Class. Under the Permanent Secretary, who has the assistance of several Second and Third Secretaries, Treasury business is conducted by five groups of divisions: Supply, Establishments, Home Finance, Overseas Finance, and Economic Affairs. The work of Supply is carried on by seven divisions, each headed by an Under Secretary or Assistant Secretary and dealing with a group of departments administering similar or closely allied services. The Establishments divisions have control over numbers and grades employed in departments and over conditions of service throughout the Civil Service; they also include

Organization and Methods divisions which are concerned with administrative management. Home Finance handles the technical and executive work connected with preparing the Chancellor's revenue proposals and the Finance Bill and advises on the most appropriate method of financing in line with the Government's general economic and financial policy. Overseas Finance, which has grown immensely in recent years until today it consists of ten divisions, deals with economic and financial relations with other countries, its central problem being the balance of payments. Economic Affairs, the most recent addition, assists in the coordination of economic policy, and its machinery includes the Central Economic Planning Staff and the Economic Section, formerly attached to the Cabinet office.

I

Purposes of Treasury Control. When it is said that the task of the Supply divisions is the coördination of financial policy, a good deal more is meant than merely the prevention of overlapping and inconsistency. Their task is so to control prospective expenditure as to achieve a balance in the programs financed by that expenditure; or, in the words of R. G. Hawtrey, "to secure a uniform standard in the measurement of the financial sacrifice involved in the activities of all departments."[1] Strictly, the criterion of balance would be satisfied only when expenditures were so distributed that the last pound spent on each program produced the same amount of public good. In practice, it means that expenditure should not be extravagant in one sphere and parsimonious in another. Before it can be applied in making decisions, it must also be informed by more concrete notions of policy, a set of priorities in terms of which services can be judged more or less necessary. In British government the duty of fixing these priorities is vested in the Cabinet. Not the least service of a staff agency like the Treasury is that it brings together and presents for ministerial decision the questions that will elicit the statement of such a set of priorities. Supply thus has a role in the making as well as the execution of financial policy.

A government's financial policy has other aspects than that of balance among programs of expenditure. The utilities and disutilities of expenditure and taxation must be weighed against one another. So also must the values of different kinds of taxation and borrowing. And in Britain today, the general economic policy of the Government must also be considered when financial policy is determined. With these aspects of financial policy other parts of the Treasury—in particular Home Finance, Overseas Finance, and Economic Affairs—are primarily concerned. But Supply officials are also aware of them and their hand in dealing with departmental expenditure is strengthened and guided by their knowledge of financial policy as a whole.[2]

[1] R. G. Hawtrey, *The Exchequer and the Control of Expenditure* (London, 1921), pp. 28–29.

[2] Not only are the Supply divisions kept informed of general economic and financial policy, but also very recently they have been given the task of criticizing investment programs in the public sector of the economy, a duty formerly performed in the Economic Affairs side of the Treasury. This has meant that a principal aspect of economic coordina-

Where does economy stand among the purposes of Treasury control? In one sense it is secondary: the main concern of Supply is not merely cutting costs and saving money. In a larger sense, however, economy is inseparable from the function of coordination. So to criticize expenditure as to make it possible to provide the same service at a lower cost will reflect policy—whether the Gladstonian policy of leaving as much money as possible in private pockets, or the Crippsian policy of producing a budgetary surplus. And to prevent extravagance in one sphere in order to have more funds available for pressing needs elsewhere follows from the attempt to balance expenditure. So understood, economy, now as in the past, is a principal purpose of Treasury control and is enforced by means of both the annual review of the estimates and the routine, day-to-day relations of Supply divisions and departments.[3]

"Day-to-Day" Control. If these are the purposes of the control exercised by Supply, what is the scope of its powers and how does it go about exercising them? Its control does not consist solely of the review of the annual estimates, nor does it imply anything resembling a comptroller's function. It is primarily a matter of what in Treasury usage is called "week-to-week" or even "day-to-day" control. Briefly, it is a power obliging departments to obtain Treasury approval of any variation in departmental activity which has a financial aspect.

Approval may be expressed in a specific sanction of a particular service or activity. It may also take the form of a general delegation, as when, for instance, the Treasury delegates to departments concerned with defense expenditure the authority to incur expenditure for new works, without seeking specific Treasury sanction, so long as the cost of any single project is not more than a specified amount. However approval may be expressed, it remains that no activity involving expenditure in the near or in the distant future can be undertaken by a department unless that activity has Treasury approval, and normally before the planning of any new activity has progressed very far Supply will have been consulted and its view obtained.

This power of "day-to-day" control has no specific statutory basis. Like much else in the ancient frame of British government, it is founded not on formal law, but on tradition and long acceptance. Nor is the statute book of

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tion—the control of public investment—has been tied in more closely with the traditional work of financial control. Approval of investment programs on the official level is now given by the same persons who grant financial approval.

[3] Outside the Treasury, but closely related to it, are other arrangements designed to promote economy. By a major reform of the interwar years, the Permanent Secretary of each department was made also its Accounting Officer. It is he, therefore, who answers for the department before the Public Accounts Committee and on him at the official level rests the undivided responsibility for both policy and the financial results of policy. A further barrier to extravagance is the annual audit of appropriation accounts, which is concerned with economy as well as regularity and which, although performed in the name of the House of Commons, is so tied in with the Treasury as to bolster its housekeeping control. Economy is also a main concern of the House of Commons Select Committee on Estimates, which after a record of only modest achievement in earlier years has recently earned a very considerable reputation. See Basil Chubb, *The Control of Public Expenditure: Financial Committees of the House of Commons* (Oxford, 1952).

much help in defining its scope. One indication can be found in the Exchequer and Audit Departments Act of 1866, a product of the great period of Gladstonian financial reform. This act, as amended, states that whenever the Comptroller and Auditor General "shall be required by the Treasury to ascertain whether any expenditure included in an appropriation account is supported by the authority of the Treasury, the Comptroller and Auditor General shall examine such expenditure with that object," and provides that if the Treasury does not see fit to sanction such "unauthorized expenditure" as may be found, the expenditure "shall be regarded as being not properly chargeable to a Parliamentary grant."[4] The Act does not create Treasury control, but assumes that it exists as a plenary power to control *all* expenditure. The Treasury has not, however, chosen to exercise this power to the full. Dating from 1868, the principal Minute defining the scope of the power which the Treasury will exercise states that "My Lords" consider that prior Treasury approval "should be required for any increase of establishment, of salary, or of cost of a service, or for any additional works or new services which have not been specially provided for in the grants of Parliament."[5] Quite inconsistent with this definition is a later authoritative description in a Treasury minute of 1914 stating "the general practice of the Treasury" as being "to require Treasury sanction for all expenditure" except for "particular categories of expenditure of a special character."[6] The fact of the matter, well understood in the Treasury and in departments, is that, while the Supply divisions will center their attention largely on proposed new services, recurrent services and expenditures drop out of their control only as the Treasury permits them to.

Precisely what types of proposal do or do not require prior approval? The criteria have never been codified. Later minutes and letters have done much to define the terms of the minute of 1868 and the extent to which departments may incur expenditure without prior approval. The substance of the principal instructions can be found in the *Epitome* of the reports of the Public Accounts Committee which is compiled at infrequent intervals. To the *Epitome* Treasury officials, when dealing with questions raised before the Public Accounts Committee, may refer for authoritative guidance. Otherwise, however, it is not much used and generally in day-to-day administration there is relatively little reliance on any formal instructions or written source as governing the relations of departments and Supply divisions. A departmental finance officer, for example, may refer to the phrases of the minute of 1868 and may be guided by a "rude letter" written to him or a predecessor by Their Lordships on some occasion when the department had offended. But he acknowledges the authority of such explicit propositions as part of a context which contains many

[4] Sect. 1 (3), c. 52, 11 and 12 Geo. 5, *The Statutes, Third Revised Edition, Vol. XVI, 1918–1921* (London, 1950). The original language of the Act of 1866, which is not materially different, can be found in *The Statutes of the United Kingdom of Great Britain and Ireland*, ed. George Kettilby Rickards (London, 1866), Vol. 27, pp. 424 ff.

[5] *Epitome of the Reports from the Committees of Public Accounts, 1857–1937* (*Parliamentary Papers*, 1937–38, Vol. 22), pp. 20–21.

[6] *Epitome* (Treasury Minute, 8 December 1914, par. 7), p. 565.

unwritten and even unspoken elements. The operative principles are more like standards of professional conduct than formal rules of law.

It all sounds very British: the avoidance of definite rules, the reliance on tradition and "common sense." But does this not leave the whole matter much too vague for successful administration? One test is the opinion of these who are subject to the Treasury's power, the departmental officials. And they, while not without complaints against the Treasury, do not make unpredictability or the vagueness of its requirements one of them. The fact is that to attempt to codify such a subtle complex of administrative practice as Treasury control would very probably gravely distort it. Precisely for reasons of smooth and predictable administration, it may be best to rely—in the manner of the common law—upon tradition and common understanding rather than codification.

Criticism of New Legislation and Policy. The requirement of prior approval is the principal foundation of the Treasury's power to coordinate financial policy. Given Cabinet policy, the Treasury's position in bringing balance into government programs through its criticism of departmental expenditure is unassailable—assuming, of course, that Treasury officials understand that policy as do ministers and that ministers cannot be prevailed upon to reverse themselves. But Cabinet policy, of course, is not always "given." It is continually being formed, modified, and extended, even when its main lines are held constant over a period. In this there is a potential threat to Treasury control. Suppose, for instance, that a Minister sets his heart strongly on some scheme which he has good reason to suspect the Treasury would reject as being out of line with Government policy. He therefore takes his proposal straight to the Cabinet, where it may be accepted, perhaps without thorough examination of its relation to existing policy. If so, the Treasury will have been bypassed and will be obliged to approve any new services involved by the scheme. In the actual world of administration the Treasury's power to require prior approval would be gravely impaired if it did not also firmly possess the further right to criticize proposals of new policy before they reach the Cabinet level.

The Chancellor's constitutional responsibility for finance should in itself suffice to ensure that the Treasury had this opportunity. He should be able, that is, to delay a decision by the Cabinet until his officials have prepared a brief. From the nature of day-to-day Treasury control, it also follows that ordinarily a proposal involving expenditure will have been discussed between the Treasury and the department at a very early stage. Reinforcing these means of protection, however, are formal rules providing that ordinarily no proposal may be put on the Cabinet agenda unless a memorandum setting out its terms has been previously circulated to members of the Cabinet and that if the proposal involves expenditure, it may not be circulated until the consent of the Chancellor has been obtained to its circulation.[7] The purpose is not to give the Chancellor a veto over what measures may be brought before the Cabinet—given the nature of the Cabinet, he could not maintain the power even if he

[7] Sir W. Ivor Jennings, *Cabinet Government*, 2nd ed. (Cambridge [Eng.], 1951), pp. 139, 228–29.

were formally vested with it. The purpose is rather to ensure that there has been proper examination by officials of the departments concerned before the questions are put to ministers for decision, and one effect is to ensure that Supply has the opportunity to point out the financial consequences, as well as possible conflicts with other existing policies or activities.

Supported by these sanctions—the requirement of prior approval and the opportunity to criticize proposed new legislation and policy which involve public expenditure—the business of control goes on continuously throughout the year. Suppose that a department seeks approval for some scheme—for example, the repair or construction of a bridge; the drainage of certain agricultural land in the Highlands; a subsidy for experimental types of civilian aircraft or to a hotel owner with plans for attracting dollar tourists; the bulk purchase of the West African cocoa crop; a plan to provide soldiers on leave with cheap motoring. A request for approval may be initiated in a personal letter from the departmental officer concerned to the head of the appropriate Supply division, from whom, when a decision has been reached, a letter of approval constitutes evidence of Treasury sanction. Before the initiating letter is dispatched, however, there will probably have been much consultation. And in most matters of daily concern, the discussions will have been conducted and the decision made by one of the Principals in the division. In the great mass of cases, approval is given without difficulty. Sometimes, however, there is a negative reply from the Treasury and occasionally a "row," when the question will be referred on up the lines of hierarchy in the Treasury and the department; the ultimate arbiter being, of course, the Cabinet.[8]

Through decisions made at the ministerial level by the Cabinet or Cabinet committees, officials are continuously kept informed of Government policy. There are other means by which officials keep in touch with policy—for example, the Chancellor's Budget Speech, the *Economic Survey*, White Papers (such as those on the defense program), and in general, ministerial statements of policy in Parliament. If, however, one asks officials how they know what Government policy is, the main stress of the replies will be on the decisions made or confirmed as "papers pass up and down" the Treasury hierarchy.

II

Priorities in Defense and Civil Expenditure. In American government, there is nothing really comparable to the most important form of Treasury control, the requirement of prior approval. Treasury criticism of proposals of new legislation bears some likeness to the work of legislative reference performed by

[8] In the United States there is of course a good deal of informal consultation throughout the year between the Budget Bureau and departments. Like the process of granting prior approval in Britain these consultations greatly facilitate the annual review of estimates. The important difference, however, needs to be emphasized. Informal as the consultations may be which lead to prior approval in Britain, it is of the essence that they culminate in a formal sanction, a letter stating that approval has been given, which the Comptroller and Auditor General under the terms of the Act of 1866 will require the department to possess.

the Bureau of the Budget, while in the United States, as in Britain, the review of the estimates, although quite differently conducted, is a means of coordinating policy as well as enforcing economy. Also, in the United States, before calling for departmental estimates, the Bureau of the Budget makes a "preview" of expenditure and revenue which leads to the setting of tentative ceilings on certain types of expenditure by presidential authority. Rather similarly in Britain, the Chancellor, after consultation with the ministers concerned, indicates, in advance of the review of estimates, the relative priorities which he proposes for different sections of government expenditure.

As in the United States, the principal example is defense expenditure. The departments concerned are the three service ministries, the Ministry of Defense, and the Ministry of Supply, a substantial part of whose expenditure is reckoned as defense expenditure. Over much of the expenditure of these departments, the Defense (Matériel) division of the Treasury exercises the usual form of "day-to-day" control. Throughout the year, many proposals involving new works, or new services of production or of research and development are submitted to it for prior approval and the usual give and take occurs between Supply and departmental officials. A great deal of new defense expenditure may be included in the estimates, however, which has not been so criticized and controlled. This figure will depend upon the total provision for defense annually agreed on by the Chancellor and the Minister of Defense and Service ministers. Upon the Minister of Defense falls the burden of allocating this provision among the Services, although, of course, the implications of that allocation are bound themselves to enter into consideration when the total figure for defense is being discussed.

It results from this procedure that the Services and the Ministry of Supply will put together for presentation to Parliament estimates which will include projects which have not yet been fully worked out or submitted to Treasury criticism. That criticism will, however, take place, for, even after the estimates have gone to Parliament, the defense departments will, as their plans for these projects develop, submit them to the Treasury, whose aim, however, will be not so much to reduce total expenditure as to get the best value for a sum already agreed upon.

As the form of the procedure indicates, the criticism of defense expenditure is more difficult than that of civil expenditure, and many decisions, which in the latter sphere would emerge from the business of "day-to-day" control, in the former follow from the comprehensive decision on the total provision for defense. Such a decision must be ministerial, flowing in the main from the Government's estimate of the strategic situation and the danger of war. In the discussions from which these decisions emerge, the Chancellor will, of course, take his part, arguing primarily from the economic implications of a given level of defense expenditure, i.e., its bearing on inflation, the balance of payments, particular sections of the export industries, and so on. But there is nothing to prevent him from plunging into the discussion of the largest strategic questions and, if recent Chancellors have behaved as did their predecessors, they have

not been reticent to urge their views on these matters as well as finance and economics.

The procedure adopted in respect of defense expenditure applies also, though in more general terms, to civil expenditure. Here too, the Chancellor's daily contacts with his colleagues will have provided him with a view of the financial provisions which they are likely to need in the following year, and he will be able to indicate, at a relatively early stage in the annual formulation of financial policy, how far he considers such expenditure to be feasible, having regard to the condition of the economy and the importance of balance among various categories of expenditure. He must attempt, for example, to weigh the claims of the National Health Service against the needs of agriculture, to measure the demands of education against the appeal for better roads and a more expansive policy for civil aviation. He must endeavor to help both his colleagues and his own officials by suggesting an equitable balance between these conflicting interests, and the proportions in which, in his view, they would most fairly share among themselves the limited sum of expenditure which can be tolerated. The need as well as the difficulty of maintaining such a general control over expenditure was sharply illustrated during the early days of the Health Service, when actual expenditure continued to soar well beyond original and revised expectations. As a result, in March, 1950, Sir Stafford Cripps, although in the midst of his austerity drive and after having in his Budget Speech of the previous year assured the House that there would be no more supplementaries of this kind, was obliged to present and defend a supplementary estimate of 98 million pounds for the Health Service.[9]

While it is the responsibility of the Chancellor to indicate such priorities in civil expenditure, by the nature of Cabinet government his decision cannot be final and beyond all appeal. If other ministers disagree, it is always open to them to appeal the question to the Cabinet where a trial of strength with the Chancellor will take place, its outcome being determined by personal and political factors as well as the institutional authority of the various combatants. With regard to defense expenditure, such disagreements and consequent struggles within the Cabinet occurred before both world wars. In recent years, however, decisions have been more easily arrived at, opinion with regard to defense policy among officials as well as ministers having moved very much in unison. A principal exception, of course, would be the conflict which led to the resignation of Mr. Bevan in 1951. In this instance, however, unlike the others, it was not the Chancellor who was resisting a higher defense expenditure, but another minister. And indeed, the principal question at the time of the resignation, it appears, was not defense expenditure, but the provision to be made for the Health Service. Against the Chancellor, Mr. Gaitskell, and his idea of what that provision should be, Mr. Bevan failed to carry the Cabinet and chose resignation rather than acceptance of the final decision.

May we regard this business of fixing priorities for certain broad types of

[9] H. C. Deb., 5th ser., vol. 472, cols. 916 ff. (14 March 1950).

expenditure as a form of Treasury control? It involves decisions by ministers, perhaps even by the Cabinet. But so may the issues raised by the business of "day-to-day" control. The interesting question is how far the Treasury—ministers as well as officials—can be guided by the notion of "balance" in making or recommending decisions. Is it possible to weigh rationally the claims of such expenditure against other competing claims? The difficulties are obvious. Is not the "value" of national defense infinite? How can any other service, private or public, compare with the need for survival? And almost as inestimable is the value of the health program: does it not save lives?

These questions raise nice problems in the logic of choice. But whether or not there is, strictly speaking, a rational way of making such decisions, the Treasury does try to achieve a balance with regard to these sorts of expenditure as well as others. After the outbreak of the Korean War, for instance, it was generally agreed among officials and ministers that the danger of world war within a year or two was greatly heightened. The defense program therefore was reassessed and the economic planners were asked to estimate in the light of its probable impact on the balance of payments and certain other assumptions, such as the expected level of American aid, what was the maximum defense expenditure that the economy could bear. From these calculations issued the increases in the defense program leading to the three year program announced in February of the following year. The general pattern of expenditure resulting from this readjustment of priorities did in a real sense reflect an effort to weigh the value of defense against other national needs.

Annual Review of Estimates. Within the general framework of this assessment of priorities as between the main classes of expenditure, the more detailed pattern of expenditure, new and old, is determined mainly by means of the annual review of the estimates. This is "the time"—in the words of a Chancellor—"when the expenditure of the Departments and the numbers of their staffs are examined as a whole."[10] Early in October the Treasury sends out a circular to the civil departments asking them to send in their estimates for the following year by the beginning of December. Received in the Treasury, these estimates are forwarded to the appropriate divisions where review is conducted, not as in the United States, at hearings before which departments appear, but within the divisions, which consult with departments as they find it necessary. After review, the estimates, bearing recommendations of approval either at the stated figure or with modifications, are submitted to Treasury ministers. In February and March they are published and presented to the House of Commons by the Financial Secretary. Estimates for the fighting services must also be approved by the Treasury. They do not, however, receive so close a scrutiny and, reflecting this fact, their presentation to the House is made by the departmental ministers concerned.

The whole business of compiling and reviewing the estimates is done far more quickly than in the United States. Here the call for departmental estimates

[10] H. C. Deb., 5th ser., vol. 493, col. 202 (7 Nov. 1951).

goes out in June, twelve months before the beginning of the financial year with which they are concerned. In September they are received by the Budget Bureau, where they are reviewed and from which they are sent to Congress four months later. In Britain estimates are formally asked for some six months before the start of the financial year, departments taking some two months to get them to the Treasury, which devotes about the same length of time to their review.

Not only is the business got through quickly, it also is done by a staff which, as compared with the massed ranks of accountants, statisticians, and professional budget examiners in our Bureau of the Budget, seems amateur and small. Amateur the officials of Supply are, in the sense that most of them are members of the Administrative Class, lacking specialized training in economics, accountancy, public administration, or similar subjects and looking forward to a career which may well take them into other departments. Faithful to the orthodoxy of the British Civil Service, however, they hold that their varied experience in government is to be preferred to expert knowledge. An indication of the numbers involved is given by the Trade and Industry division which handles all supply questions of three of the larger and more important departments—the Board of Trade, the Ministry of Fuel and Power, and the Ministry of Transport and Civil Aviation—as well as the civil side of the Ministry of Supply. Its complement consists of one Assistant Secretary, two Principals, one Temporary Administrative Assistant, one Executive Officer and a clerical section of two or three. The total working force of the Supply Divisions—which conduct the year-round business of "day-to-day" control as well as the review of estimates—numbers around fifty, exclusive of clerical staff. Before the reorganization of 1952, we may note for the sake of a rough comparison, the Estimates division of the Budget Bureau had a staff of some 150, excluding secretaries and secretarial help.

III

The estimates are primarily a means of providing Parliament with an opportunity for the control of Government expenditure. The freedom of action which they leave to the executive, however, is very great—much greater than that enjoyed by the American executive. Against the misuse of these wide powers, Treasury control is a major safeguard, providing a complement or balance on the administrative plane to the powerful position of the executive under Cabinet Government. Three questions will help bring out this function of Treasury control: What is the bearing of prior approval upon the estimates? How strictly do the estimates bind the executive? Under what parliamentary limitations may the executive incur liabilities committing it to future expenditure?

Prior Approval and the Estimates. The answer to the first question will again emphasize the large powers of the Treasury over all departmental activities so far as they involve expenditure in the present or the future. In part these powers may be expressed through Treasury control of the estimates. That a

proposal has been sanctioned by the Treasury in the course of its "day-to-day" control, does not entail automatic approval at the time of the annual review of the estimates. Nor does approval of an estimate dispense with the requirement of prior approval, which remains the most important single form of Treasury control. By Treasury instruction, supported by the Act of 1866, that sanction must be given separately and no new service may be included in the estimates submitted by a department to Supply unless prior approval has been granted, or in case of urgency, unless concurrently Treasury authority is applied for.

In exercising its power to require prior approval the Treasury will demand far more detailed information about proposed expenditure than is given in the estimates. What is more important, this control also extends into the future. While the estimates cover only expenditure which will be incurred during the coming financial year, prior approval must be obtained for proposals although they involve expenditure only in later years. Before it incurs liabilities, as well as before it incurs expenditure, a department must obtain Treasury sanction. This power, going well beyond that expressed in the review of the estimates, is indispensable to the orderly exercise of the executive's wide powers in the sphere of expenditure.

The Estimates as Limits on the Executive. How far are these powers of the executive limited by the estimates? How strictly do the estimates bind the Government and the Treasury once they have been sanctioned by Supply and voted by Parliament? If we ask these questions of American government, we raise an ancient and stubborn problem of the Federal budgeting process. This is the problem of the specific appropriation, stating in detail the objects for which money may be spent, or what comes to the same thing, the presentation to appropriations sub-committees of detailed estimates informally but effectively committing the agency to a specific program of expenditure of lump-sum appropriations. Does a similar problem arise in Britain?

Certainly the estimates as submitted to Parliament go into considerable detail. Those for the fighting services consist of some 34 Votes—about the same in number as the appropriations of our Defense Department—those for the civil services of 150 or so Votes, in each set the Votes being further subdivided into subheads and items, the latter sometimes including two degrees of detail. The subheads setting out salaries for personal services are as minutely specific as the comparable headings in American budgets before 1950, while "Works in Progress" are described down to the name and location and cost of each project—a temporary garage and workshop at a postoffice in Hull, the adaptation of a building to provide office accommodation in Hereford.[11]

What other information does Parliament receive concerning the expenditure

[11] Each estimate is divided into three parts: Part I, which alone is reproduced in the Appropriation Act, provides the statutory description of the purpose for which the supply requested in the estimates is ultimately granted. Part II shows the subheads under which the Treasury, acting under Section 23 of the Exchequer and Audit Departments Act, 1866, requires departments to account for expenditure. Part III gives further details for the information of Parliament.

proposed in the estimates? While it does not receive "justifications" explaining the estimates in detail as do American appropriations committees, certain explanatory documents are submitted. There is a memorandum on the civil estimates, running to perhaps a hundred pages—not, however, a very informative document—and separate and rather more detailed memoranda from each of the fighting service departments. A financial statement consisting of tables relating to revenue, expenditure, the national debt, etc., is submitted when the Chancellor makes his Budget Speech, in which he expounds his general financial policy at the start of a debate of several days' length. During the debates on the estimates, the more particular policies of departments provide the subjects, but not all departments and only a fraction of all programs are considered. Certain estimates are examined intensively by the House of Commons Select Committee on Estimates; it is concerned not with policy, however, but with economy and administrative management and its reports are made too late in the session to influence the estimates of the current year. In general, while Parliament is well-informed about policy, it lacks the full and detailed information relating to proposed expenditure which is normally made available to American appropriations committees. British parliamentary procedure does not provide for the kind of thorough examination of both policy and management that may be made at hearings before these committees. Lacking also is the opportunity, which these hearings present, for legislators to induce officials informally to commit their agencies to specific items and patterns of expenditure.

This does not mean, however, that the British executive is free to spend funds as it likes, subject only to the limitations imposed by the acts appropriating them. In Britain, as in the United States, appropriation acts omit much of the detail included in the statements of estimates submitted to the legislature. The annual Appropriation Act enumerates only the Votes and the Classes in which, in the case of the civil estimates, the Votes are grouped. Legally, therefore, the executive is not bound by the subheads and items of the original estimates, although, since the "ambit" of each Vote is delimited in the Act, expenditure cannot be shifted from one Vote to another. The Treasury insists on its power —again a traditional not a statutory power—to authorize deviations from the subheads of an estimate in order that savings on one subhead may be used to cover excesses on another. It is, however, a settled understanding—an informal commitment of the Treasury to the Parliament—that this power will be exercised only in certain cases. What are these cases? The Treasury deprecates "too precise a definition in general terms." But it has told departments that savings on subheads which are largely unrelated to the general run of the Vote will not be regarded as available to meet excesses elsewhere on the Vote and has undertaken to bear in mind the view of the Public Accounts Committee that "services which are large or novel or contentious or which, while small at the outset, involve heavy liabilities in future years, ought not, save in very exceptional circumstances, to be undertaken without the previous authority of Parliament."[12]

[12] Pp. 620 ff. *Epitome*, Treasury Minute 24 November 1921 on 3rd Report, PAC, 1921 (H. C. 212).

In the case of the fighting services, where accurate estimation is particularly hard and the need for flexibility great, a special degree of freedom is allowed. While the departments concerned, and the Treasury as well, are bound by the terms of the Votes included in the civil estimates, a service department may go beyond the terms of its Votes, transferring surpluses from one to another. It can, however, do this only with Treasury approval and since such a transfer would otherwise contravene the terms of the Appropriation Act, that Act annually grants this power to the Treasury, requiring that such transfers be reported to Parliament and receive subsequent Parliamentary sanction, regularly given in a later Appropriation Act.

This power of authorizing transfers between subheads or between Service Votes—the power of virement—the Treasury retains as an element of its control. To the departments on their own authority are left transfers from one item to another. Considering the breadth of some of the subheads, this may seem a considerable power. But where a subhead contains a large sum, it is usually all allocated to one specific type of payment. Where a subhead contains a multiplicity of items, either the total sum is small, or the items themselves are statutory payments not easily variable by the department, or they reflect types of expenditure which are understood to be subject to the requirement of prior Treasury approval even though the scales of payment themselves are not actually controlled by the Treasury. Nor does the system of transfers relieve departments of the need to take pains to be as accurate as possible in programming expenditure. The appropriation accounts, in which departments account for expenditure under subheads as well as Votes, will reveal over- or under-estimation, which may subject responsible officials to criticism by the Treasury and the Public Accounts Committee.

Like the American, the British executive is informally restricted within limits far narrower than the terms of the appropriation acts. These limits, however, are not set, as may be the case in the United States, by commitments to specific expenditures arising from particular understandings with individual legislators and legislative committees. While not entirely precise, the limits on the British executive are set by an accepted general rule and within them the executive enjoys the wide area of maneuver given it by the recognized power of virement, which the American executive does not possess. As a result, the British executive in comparison with the American has greater freedom of action, which it may use to make economies and correct normal discrepancies in the estimation of expenditure. At the same time, Parliament retains control over policy, as it is reflected in the estimates, to which purposes alone government expenditure is restricted. These arrangments, it is true, also mean that Parliament does not exercise control over the details of expenditure as the American Congress often does. But that power would hardly be compatible with cabinet government.

Power of the Executive to Incur Liabilities. In its freedom to incur liabilities, the British executive also enjoys what must seem from the American point of view an even more remarkable power. The point can be brought out if we

examine a peculiarity about the estimates presented to, and the appropriations voted by, Parliament. It is that they show only the sums which are expected actually to come in course of payment during the year to which they relate and do not provide for liabilities which may be incurred in the current year, but which do not mature for payment until a later year. In consequence, appropriations in Britain do not present that familiar feature of recent American budgets: a discrepancy, sometimes huge, between the sum that will actually be spent in the financial year and the sum appropriated, which will be spent over a period of years. The reason for the American practice is obvious: many programs, especially defense programs, can be carried out only over a period of years; hence, if departments are to make the necessary commitments they must be assured of the requisite appropriations. But the British government also undertakes activities of this kind; it also has a set of long-run defense programs. How does it avoid the discrepancy?

The reason in a nutshell is that while in Britain the executive can incur liabilities not already covered by an appropriation, in the United States it cannot. Exceptions to the rule occur in this country when Congress from time to time specifically provides in legislation that a department, for a limited period and within a fixed sum, may make contracts creating liabilities not covered by an appropriation. The general rule, however, is that if a department of the Federal government is legally to incur liabilities, even though they do not come in payment during the current year, these liabilities must already be covered by an appropriation. Freed of this limitation, the British executive in launching a program is obliged to ask Parliament only for such funds as appear to be needed for the fiscal year, the result being that appropriations and expenditures are not greatly discrepant.

Historically, of course, supply came to be granted for only a year at a time as a means of giving Parliament a tighter control over the Crown. The Crown, however, retained the power, which the American executive has never had, to incur liabilities not covered by an appropriation or contract authorization. Of course, in a political sense, the President may "incur liabilities" or "make commitments" without such authority. He might, for instance, commit the United States to providing economic or military aid to a foreign country although Congress had not yet appropriated or authorized the necessary funds. But the American executive could not legally make contracts to procure the goods needed to fulfill such commitments, while in a similar situation the British executive could. Regularly, British officials, on behalf of the executive, make legally binding contracts which involve the future payment of sums which are not yet covered by estimates presented to, or appropriations voted by, Parliament.

Peculiar as it must seem in American eyes, this power, we may also observe, is necessary if the British system of annual audits is to work effectively. That system has often been admired and it has been proposed that something similar be imported into American government. Such proposals necessarily include the requirement that appropriations be made only for the current year in order that

the audit shall be timely. But inconvenient as that would be in "normal" times, it would be virtually impossible when the government is pushing ahead with great programs of expenditure like those of recent defense budgets—unless Congress were ready to grant the executive a power to incur liabilities comparable with that enjoyed by the British executive. Conceivably this could be done by greatly extending the present limited practice of granting the executive the power to make contracts to be covered by later appropriations. Without some such change at any rate, we cannot have the much praised system of an annual audit. And only if these contract authorizations were in fairly general terms would the freedom of decision left the executive be comparable to that enjoyed by the British executive.

The wider power of the British as compared with the American executive in incurring liabilities consists not only in this freedom with regard to appropriations. The British executive also is less restricted by the need for other statutory sanction. In the United States, because of the rules of the House of Representatives, appropriation bills are not normally proceeded with unless the expenditure which they are to cover has already been authorized by law[12] and such authorizations, often in the form of permanent legislation, sometimes in the form of annual legislation, themselves commonly set limits on the amount that may be expended.

Does the British executive need similar statutory sanction in order to incur liabilities? It is a recognized feature of British practice that any bill introduced into Parliament, the implementation of which will involve a charge on public funds, should be accompanied by a separate Financial Resolution, the purpose of which is to make clear to Parliament the financial implications of the measure. That Resolution must be recommended by the Crown and voted by the House of Commons, sitting in Committee, before the statute itself can come into effect. Between it and the authorizations passed by the American Congress there is a certain similarity. It should be pointed out, however, that a Financial Resolution will not always set a specific limit to the charge which the Act imposes on public funds. In some cases, where a new service is established and is intended to be carried on by a Department as part of its ordinary continuing business—for instance, the National Health Service—the amount to be spent is left to be dealt with by the annual Estimates procedure. In other cases, where for any reason it may be desirable to fix some limit to the amount of public money which may be spent before the policy must be resubmitted to Parliament in a new bill—for instance, subsidies to the Film Industry—a specific total will be named in the Financial Resolution and in the bill. In any case, of course, the passage of the Resolution, like our authorizations, is quite distinct from the appropriation of funds to cover the expenditure on the service.

But what must be of particular interest, when one is making comparisons with American practice, is the fact that in some spheres, the British executive can incur liabilities for activities which do not have the statutory sanction of a

[12] Rule XXI, cl. 2, *Rules of the House of Representatives.*

Financial Resolution or of an Act—such as the National Health Service Act—establishing the activity. (Ultimately, of course, the cash to cover annual expenditure on these activities will be provided by an Appropriation Act and in this sense and in this form statutory sanction must at some point be received.) Just what activities enjoy this privileged position is a question which has from time to time agitated the Comptroller and Auditor General and the Public Accounts Committee. It is at any rate unquestioned that activities required for the defense of the realm—for example, letting contracts for ships, airplanes and other large munitions of war—are so privileged, and that in this sphere both the law of the constitution and constitutional "propriety" permit the executive to incur liabilities extending over a period of years although the activities concerned do not have statutory sanction. It has also been argued that civil departments enjoy a less wide, but similar privilege. And it has happened that civil departments not only have incurred liabilities for services lacking statutory authority, but also have incurred liabilities involving expenditure exceeding the limits on expenditure set by statute. Underlying these powers and the problems they raise is the retention by the Crown of powers founded not on statute, but on constitutional custom—in short, the remaining powers of the ancient prerogative.[14]

Freed of the strict dependence on appropriations and statutory authority which limits the ability of the American executive to incur liabilities, the British executive has a freedom of maneuver which may greatly facilitate making policy and inaugurating new programs. An illustration will help bring out some of the possibilities. In the spring of 1953, the Colonial Office, in view of the serious world rice shortage, decided that additional funds should be made available for rice production in the colonies. Legislation authorizing such programs of development and welfare had been passed between 1940 and 1950, the various acts authorizing expenditure not to exceed £ 140 million within a period coming to an end in March 1956. Nearly the whole of this sum had been committed, however, and to attempt to bring the new schemes under the authority so given would probably have meant displacing other developments. To introduce into Parliament new authorizing legislation and a supplementary estimate might have caused delay while the legislation was being prepared and surely would have disrupted the existing Parliamentary time-table.

[14] For discussion of this whole question, see: *Epitome* (1857–1937), pp. 85, 264, 468, 724; PAC, 1912, Evidence, Q. 3427–42; and esp. PAC, 2nd Report, 1932, par. 3, and Evidence, Q. 840–1, 853; also Erskine May, *Parliamentary Practice*, 15th ed., p. 726. The question raises the problem of the limits of the prerogative. To that power it seems the Treasury representative was referring in an interesting passage at arms with the Comptroller and Auditor General before the Public Accounts Committee in 1932. While granting that "constitutional principle" required that the Executive must not so commit Parliament to future expenditure as, in effect, to force it to appropriate funds in the future for services without statutory sanction, the Treasury representative insisted that an exception to that principle is "the law that the King's Government must be carried on," which he took to mean not only that the fighting services might incur liabilities for services without statutory sanction, but also that to some undefined extent the same power was held by the executive in providing civil services. (Q. 841).

With the concurrence of the Treasury, the Colonial Secretary, therefore, instructed colonial governments that they might make commitments for the special rice program, although his action meant that total commitments would almost certainly rise above the authorized figure of £140 million. He informed the House of Commons of what he had done, announcing at the same time that legislation to authorize the additional expenditure would be introduced early in the next session. The fact of interest to us is that commitments were to be made, not only before an appropriation had been voted, but also in contravention of the limit on such expenditure set by Parliament. "I can see no other way of ensuring that the continuity of colonial development is not interrupted," concluded the Colonial Secretary, "and I feel confident that I have the full support of the House in the action I am now taking."[15]

Treasury Control as a Balance to Executive Power. The financial powers of the British executive are wide; considered by themselves, they might be thought dangerous. The principal safeguard is, of course, the convention which obliges ministers continually to explain to Parliament what they are doing and what they propose to do and which permits them to retain their power only so long as they can keep the confidence of the House of Commons. Another and not the least important safeguard is provided by Treasury control, meaning not merely that the Treasury will normally authorize expenditure in anticipation of Parliamentary sanction only if the need is urgent, but also that its day-to-day contact with departments enables it to foresee the future implications of their current policymaking. Enjoying great freedom of maneuver, the executive can, if it chooses, embark on a long-range program before detailed estimates of the ultimate costs of the constituent parts are feasible or, for that matter, even before a firm idea of the total cost can be framed. This greater liberty to move rapidly and with large measures is also the opportunity to act thoughtlessly, incoherently, and with extravagance. To meet the consequent need for coordination, the powers of the Treasury have been shaped. Supply is concerned not simply with expenditure which will fall in the current year, but with any prospective expenditure and any departmental proposal which may at some time in the future lead to expenditure. Its normal powers, therefore, introduce it as of right in the early stages of planning and programming, well before commitments are made or liabilities incurred.

It follows that both Treasury and departmental officials will be compelled continually to give thought to the future consequences of their plans and, where policy may be involved, to bring these consequences to the attention of ministers. The future is a matter about which politicians, because of the nature of their situation, have little time to think. By reason of its scope and structure Treasury control tends to induce ministers to look beyond the pressing problems of the moment and, at the same time, provides them with the staff assistance to do so intelligently.

[15] H. C. Deb. 5th ser., vol. 516, col. 1898 (24 June 1953).

THE OPERATION OF THE FRENCH ECONOMIC COUNCIL

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The French Economic Council was once called an enlightened economic adviser of the legislature.[1] The sort of advice which it gives and the amount of enlightenment it generates depend on the decisions reached by the members of the economic interest groups that compose the Council as they debate and vote on the specific issues brought before them. The decision-making process can be illuminated by a statistical study of the voting behavior of these interest groups. Such a study also indicates the possible future pattern of behavior of the groups as well as their attitudes towards the particular issues they have debated.

I

The formal structural framework within which the groups composing the Council reach their decisions is fixed by the constitution and a series of laws and decrees.[2] Under the Constitution of 1946, the Council is empowered to "examine the bills and proposed laws within its purview in order to give its opinion thereon." The National Assembly is to send such bills to the Council before considering them. The Council of Ministers may also consult the Council, and is required to do so "concerning the establishment of a national economic plan for full employment and the rational utilization" of the material resources of the country.[3]

The detailed organization and powers of the Economic Council were set down in the law of October 27, 1946.[4] After four years of experience with the practical working of this measure, the National Assembly made a few changes—mainly in an effort to make the Council less political—in the law of March 20, 1951.[5] By this law, the Council has power to consider "bills and proposals of an economic and social character, excluding the budget, and international

[1] *Journal Officiel, Débats, Assemblée Nationale*, Feb. 8, 1951, p. 840.

[2] See Henry Seligson, "An Evaluation of the Economic Council of France," *Western Political Quarterly*, Vol. 7, pp. 36–50 (March, 1954). Also Maurice Aubry, "Le Conseil Économique," *Revue du Droit Public et de la Science Politique en France et à l'Étranger*, Vol. 67, pp. 414–77 (April–June, 1951). M. Aubry has expanded this article in his *Le Conseil Économique* (Paris, 1953).

[3] Article 25.

[4] *Journal Officiel, Lois et Décrets* (cited hereafter as *Lois et Décrets*), Oct. 28, 1946, pp. 9177 ff. Other details of organization are provided in the decree of Feb. 24, 1947, *Lois et Décrets*, Feb. 27, 1947, p. 1831.

[5] *Lois et Décrets*, March 24, 1951, pp. 2979 ff. The actual organizations represented in the Council are named in the decree of May 10, 1951, *Lois et Décrets*, May 11, 1951, pp. 4905 ff. The minor details of the verification of powers and organization of internal services of the Council are set forth in the law of Aug. 20, 1947, *Lois et Décrets*, Aug. 21, 1947, pp. 8246 ff. as modified by the budget law of Sept. 14, 1948, *Lois et Décrets*, Sept. 19, 1948, pp. 9234, 9236.

agreements of an economic or financial character submitted to the National Assembly." In addition to examining the national economic plans, it also considers drafts of decrees affecting the national economy, as well as other economic, social, and financial questions which, in its judgment, ought to be examined. Twice a year it reports on the state of the national economy, including the "increase or contraction of national revenue, and on measures likely to raise the levels of production, of consumption, and of export." It is required to examine, in addition, the official accounts of past national revenues before they are submitted to the National Assembly.

These powers may be exercised at the request of the National Assembly or its commissions, at the request of the government, or on the Council's own initiative. By all odds the greatest number of reports stem from the Council's own initiative. The time limit for Council action is short; reports undertaken at the request of the National Assembly are to be delivered to the appropriate commission of the National Assembly within a period of twenty days. When the Council considers a proposed law on its own initiative, the twenty-day period runs from the time the proposed law has been deposited with the bureau of the National Assembly.[6] The period is reduced to two days if the National Assembly is itself considering the law under its urgency procedure.

The reports of the Economic Council are brought to the attention of the legislature in various ways. At the request of the National Assembly or the Council of the Republic,[7] the rapporteurs of the commissions of the Economic Council may personally present the report to the appropriate legislative commission. The rapporteurs are not empowered to deliver their reports orally to the National Assembly itself, however, for fear that they might harangue it. Once completed, the reports of the Council are printed and delivered to each member of parliament and they must be read to the National Assembly immediately preceding the general discussion phase of the particular bill.

The internal organization of the Economic Council is not unlike that of the National Assembly. The spade work is done by the commissions into which the Council is divided. Having from twenty to twenty-five members, these commissions are constructed out of the economic interest groups represented in the Council.[8]

[6] The provision was inserted in the law of 1951 as an outgrowth of the informal practice which had developed in relations between the National Assembly and the Economic Council. See the exchange of letters between the respective presidents in *Journal Officiel, Avis et Rapports du Conseil Économique* (cited hereafter as *Avis et Rapports*), July 9, 1948, pp. 177 ff.

[7] In the discussion of the law of 1951 the Council of the Republic had written in a section by which it could request advice of the Economic Council. The National Assembly struck this provision out on the ground that it was unconstitutional, but compromised to the extent of allowing the commissions of the Council of the Republic to hear the rapporteurs of the Economic Council. *Journal Officiel, Débats, Assemblée Nationale*, March 13, 1951, p. 1846.

[8] In 1952, the year used herein as a sample year for analyzing the work of the Council, commissions were appointed (1) on the state of the French economy and national revenue;

Each commission, following the legislative precedent and the organic law, selects its own president and its rapporteurs for particular investigations. In their discussions, the commissions may draw information from a large number of sources. They may invite the deputy who is the author of a bill they are discussing to attend; and they may request advice from ministers and civil servants. Whether invited or not, presidents of parliamentary commissions and their rapporteurs may attend meetings of the commissions of the Economic Council, as may ministers, undersecretaries of state, or their appointed agents. Although in 1951 the National Assembly specifically refused to authorize ministers to speak at Council commission meetings, actually it appears that ministers or their representatives do from time to time orally present their views.[9]

Requests for investigations and reports are funneled through the bureau of the Council. The bureau consists of the President of the Economic Council and ten other officers chosen by the Council. The bureau determines whether the request for an investigation properly falls within the technical competence of the Council. If so, the appropriate commission is set to work. Bureau decisions in these matters are subject to the approval of the Council. Once the commismission has completed its discussions, its report is debated and voted upon by the whole Council, in meetings which usually take place every two weeks.[10]

II

Like the National Assembly, the Economic Council is divided into groups. But Council groups are based on economic interests instead of on political parties, although some of the groups do have party ties: for example, the *Confédération Générale du Travail* group is closely linked with the Communist party. Through the groups the Council carries out its major function, that of giving professional economic advice to the legislature and to the government. Yet its advice is of a special sort. The government and the National Assembly can always obtain technical advice through other channels, notably from the civil servants and others called before its commissions. The Council's advice is based on the views of the various economic organizations in the country, whose delegates in the Council speak not as unbiassed professional observers, but as proponents of the special interests of their constituents. Through the Council the groups are supposed to gain a public forum so that instead of snooping around buttonholing legislators, furtively trying to advance their causes,

(2) on economic affairs and the plan; (3) on finances, credit, and fiscal affairs; (4) on industrial production; (5) on agriculture; (6) on commerce and distribution; (7) on public works, reconstruction, and urbanism; (8) on transport, posts, telephones and telegraph, and tourist affairs; (9) on social affairs; and (10) on the economy of the French Union. *Bulletin du Conseil Économique*, Jan. 23, 1952, no. 2.

[9] *Avis et Rapports*, July 25, 1952, p. 325.

[10] The major records of the work of the Council are in two forms. The *Bulletin du Conseil Économique* is an account of the discussions of the Council. The *Journal Officiel, Avis et Rapports du Conseil Économique* records the actions taken by the Council, along with the votes, but not the debates.

they can speak publicly of their interests. Thus the Council was expected to remove some of the need for lobbying. Yet the underlying conception is not corporative, because neither the groups nor the Council have any part of the sovereign legislative power.

The group structure of the Council is by no means a perfect reflection of the economy of France. Little effort was made, for example, to equilibrate the relative sizes of the groups in the Council to the numbers of people who make up the economic interests of the country, nor was the proportion of the national income contributed by the various groups made a basis for representation. Rather, the Council groups were built by "rule of thumb." What emerged from the debates of the constitutional committee was a compromise between those who thought that the Council should represent nation-wide economic interest groups and those who argued that regional or territorial divisions should be taken into account. The upshot was that worker, employer, and agricultural representation were made roughly equal, while territorial representation was added in the shape of delegates from the French Union—but these were drawn from worker, employer, and agricultural organizations.[11] Representatives of a miscellaneous collection of other smaller organizations were brought in as a result of numerous demands made on legislators to include this or that particular interest.

In the 1951 law the representation plan was as follows: (1) forty-five representatives designated by the most representative organizations of workers, civil servants, technicians, engineers, and foremen, of which thirty-nine were drawn from the major labor unions; (2) forty representatives of various industrial and commercial groups; (3) thirty-five representatives of agricultural groups; (4) fifteen representatives of overseas departments and territories; and (5) thirty-four representatives of various other groups.

These large groups are subdivided into many smaller groups, with little attention being paid to the relative economic importance or size of the interests involved. The labor group is a notable example of misrepresentation of numerical strength. Each of the major labor organizations is equally represented. The *Confédération Générale du Travail*, without doubt the largest union, has thirteen members; the much smaller *Confédération Générale du Travail-Force Ouvrière* also has thirteen members, as does the still smaller *Confédération Française des Travailleurs Chrétiens*.[12] The remainder of the labor delegation consists of four delegates selected by the *Confédération Générale des Cadres*, an organization representing the technicians, engineers, and foremen, and two delegates from other smaller labor organizations. The CGC's interests, based

[11] Such few figures as were mentioned in the committee discussions dated from 1936 and concerned only the numbers of people working in various sizes of enterprises. See *Assemblée Nationale Constituante élue le 2 juin 1946, Séances* (Paris, 1946), p. 772.

[12] While the actual number of members in these organizations is not officially published, it has been estimated that in December, 1949, the CGT had 2,300,000 members, the *Force Ouvrière* 1,000,000, the CFTC 750,000, and the CGC 150,000; thus the CGT had more members than all of the others put together. See Webster Powell, "Activities of French Labor Unions in 1949–1951," *Monthly Labor Review*, Vol. 72, pp. 642–47 (June, 1951).

on those of the higher salaried workers, often diverge from those of the mass labor organizations, so that for practical purposes the labor representation on the Council can be put roughly at forty.

The forty commercial and industrial representatives are equally diverse. Among these, six represent the nationalized industries and are designated by their respective administrative councils. Six of the fourteen representatives of private industry are chosen from firms having 100 or less workers, while the remaining eight represent the larger firms. All fourteen are chosen by agreement between the *Conseil National du Patronat Français*, an industrially organized federation of the larger employers, to be compared loosely with the National Association of Manufacturers in the United States, and the general assembly of the presidents of the Chambers of Commerce, an organization much more governmentally inspired than its American namesake. Among the ten commercial as distinguished from industrial representatives, nine are chosen by the same organizations as the industrial representatives, and one by the *Fédération Nationale des Sociétés Coopératives de Commerçants*. Among these, three of the nine are chosen to represent enterprises employing five persons or less, and the remainder to represent larger enterprises.

Ten representatives of French artisans are counted among the industrial group. Five of them are chosen by the assembly of the presidents of the *Chambres des Métiers*, which are public organizations consisting of elected delegates chosen by master and journeyman artisans, and five others by the professional associations of artisans. Artisans are considered to be workers in small firms, or the self-employed in such fields as *haute couture*, building, cleaning and dyeing, and other specialized trades.

The thirty-five agricultural representatives, speaking for what is in general still France's largest industry, are variously chosen. From 1947 to 1954—which includes the period on which the statistics in this study were based—twenty-eight out of the thirty-five representatives were chosen by the *Confédération Générale de l'Agriculture*,[13] partly on the recommendation of the *Fédération Nationale des Syndicats d'Exploitants Agricoles*, an organization consisting chiefly of the traditionally conservative, rightist farmers, and partly on the recommendation of other agricultural groups concerned with credit, cooperatives, farm property, and agricultural engineering. By a decree of March 18, 1954,[14] however, the major component organizations of the CGA received the power to name their representatives directly rather than through the CGA. Thus, thirteen are now named by the FNSEA, and eight by the permanent assembly of presidents of the Chambers of Agriculture—public organizations in various departments, chosen by the farmers of the area. Three are chosen to represent the farm workers' organizations attached to the CGT, the CGT-FO, and the CFTC. The remainder represent, as before, various other agricultural interests.

[13] See Gordon Wright, "Agrarian Syndicalism in Postwar France," this REVIEW, Vol. 47, pp. 402–16 (June, 1953).

[14] *Lois et Décrets*, March 20, 1954, p. 2682.

As we have seen, the fifteen members chosen from organizations in the overseas departments and territories represent mainly the interest groups already in the Economic Council, except that their territorial location is different. For example, the labor unions name four representatives, one each for the CGT, the CGT-FO, the CFTC, and the CGC. This same sort of duplication runs through the delegation, in connection with Chambers of Commerce, Chambers of Agriculture, nationalized enterprises, artisans, industries, etc.

Among the thirty-three representatives of miscellaneous organizations, eight are chosen by the Council of Ministers to represent French economic and scientific thought. Members of this group are often named rapporteurs for the more elaborate reports of the Council, particularly those dealing with the general state of the economy.

Nine of the miscellaneous group are named by various cooperative societies. Two of these represent the National Federation of Consumers' Cooperatives, an organization having some two and one-half million members, principally concerned with cooperative trading in foodstuffs; two represent the much smaller producers' cooperative organizations, set up mainly in building trades but also in printing, electrical goods, textiles, and other trades. Five represent the third and major branch of the cooperative movement, the agricultural cooperatives. Most of these are concerned with production and marketing, joint buying and supplying, or joint use of agricultural machinery. With these five, it could be considered that the agricultural group is built up from thirty-five to forty, thus being roughly equal to the labor group and the industrial group.

Eight of the miscellaneous group are named by the *associations familiales*. These organizations, at first privately established, are now federated under an ordinance of March 3, 1945.[15] At base they are inspired by a desire to promote the moral and material aspects of French family life. Some of the local units, for example, have set up family laundries, nurseries, or rural bookstores.[16]

To complete the roster of representation of miscellaneous organizations, one person is named for his special knowledge of the housing problem. Two delegates represent the associations of those subjected to bomb or other war damage in the cities and in agricultural areas. Two delegates represent the organized middle classes, and one delegate each represents the tourist trade, savings, building property, and export activities.

In short, the groups in the Economic Council represent the major organized economic interests of France.

III

A detailed examination of one year's work of the Economic Council reveals the voting behavior of the economic groups, the sort of problems with which the Council has been engaged, and the attitudes of the groups towards those problems.

In this sample year, 1952, the Council produced thirty-seven major reports.

[15] *Lois et Décrets*, March 4, 1945, pp. 1137 ff.

[16] See *Cahiers Français d'Information*, No. 153, pp. 7 ff. (April 1, 1950).

Twenty-nine (almost 80 per cent) were undertaken on the Council's own initiative, five (13 per cent) at the request of the government, and the remainder to fulfill the statutory responsibilities of the Council with respect to the economic plan and the semi-annual summaries of the state of the French economy. In this year, none of the reports was undertaken at the request of the National Assembly, although in other years a few have been so initiated. From these figures it is clear that the legislature and the government have not often asked for the advice of the Economic Council—a situation that the Council is aware of and concerned about.

To a considerable extent the areas of harmony and the areas of sharp controversy in the French economy are revealed by the voting patterns of the economic interest groups in the Council. These patterns fall into several convenient categories, built on the combinations of groups which have supported particular propositions brought before the Council, and those which have opposed.

The first category consists of the reports agreed to unanimously or almost unanimously. In most of these only minor problems were involved. Five reports (13 per cent of the total number of reports issued in 1952) were approved unanimously. These include: a report favoring a law outlawing chain-letter sales—or, as they are called in France, snowball sales;[17] a report urging greater attention to and study of irrigation problems in Algiers;[18] another pointing out that psychological vocational and professional placement examinations were in the development stage and should be used with caution in setting up trade and professional schools in overseas territories;[19] a report containing a detailed examination of a code for river navigation in overseas territories;[20] and a report recommending that a housing program be made a basic part of the second plan for modernization and equipment.[21]

Three more reports, being almost unanimous, can be classed in this category. In the first of these, only one delegate dissented. This report contained recommendations on a scheme for governmental loans for housing to remedy what the Council considered the excessive slowness of private initiative in house building and the excessive cost of governmental construction of houses.[22] A second report, with but one delegate abstaining from approving it, concerned the regulation of the production, importation, sale, and consumption of alcohol in so-called French Black Africa.[23] The third report, on which one delegate abstained from voting and one voted against, concerned the difficult problem of unemployment payments. This report—concurred in by capital and labor groups alike—recommended, among other things, that the actual administrative pro-

[17] *Avis et Rapports*, Jan. 24, 1952, p. 1.
[18] *Avis et Rapports*, Jan. 24, 1952, p. 13.
[19] *Avis et Rapports*, Jan. 24, 1952, p. 18.
[20] *Avis et Rapports*, April 23, 1952, p. 84.
[21] *Avis et Rapports*, July 25, 1952, p. 323.
[22] *Avis et Rapports*, July 25, 1952, p. 325.
[23] *Avis et Rapports*, May 21, 1952, p. 98.

cedures which made the existing law workable should be written into the law; that the unemployed receiving payments should not be expected to move from their own towns to get work if their reasons for staying there were substantial; and that there should not be a time limit on payments.[24]

A second category of reports consists of those in which there was unanimity or substantial unanimity except for the votes of the *Confédération Générale du Travail* delegation and its supporters in the agriculture and French Union groups. There are seven of these—nearly 20 per cent of the total. In some of these the CGT was recorded as having abstained from voting on the proposition, and in others as having voted against. The subject matter of these reports is usually much more controversial than that in the case of reports in the "unanimous" category, and is often concerned with major economic problems having strong political overtones. Three of the seven reports can be called minor. One concerned the desirability of increasing standardization in French industry;[25] another dealt with measures to control illicit sales by itinerant merchants. The CGT abstained on this latter report, it said, because it was not sure whether the law was aimed only at illicit sales, or was perhaps directed also at those of legitimate itinerant salesmen, heavily patronized in poorer areas.[26] The third was a most extensive report on the variation in the price of meat from wholesaler to the consumer. The Council roundly condemned the wholesaling practices at the central Paris meat market at La Villette. This report was part of a much larger investigation of price differentials in food products, undertaken at the request of the President of the Council of Ministers.[27]

The remaining four reports in this category were based on issues hotly debated in the legislature and in the public press. One of them concerned the shortage of raw materials for the steel industry. The CGT's resolution, defeated in the Council, proclaimed that there would be no shortage if armament production were reduced to the level necessary for true national defense.[28] The three remaining reports dealt with the necessity of reducing prices and controlling inflation in France, a central problem of the Pinay government of the period. One of these reports dealt with the position of French external trade, being strangled by high prices. In it the Council advocated, among other things, the activating of the so-called green pool for agriculture, and the extension of the scope of the European Payments Union.[29] Another report dealt directly with internal trade, discussed by the Council under the rubric of the state of the French economy. In essence, this was an examination of the *Expérience Pinay*, a much publicized—one might almost say glamorized—plan to reduce prices. The Economic Council, with only the CGT-connected delegates abstaining, pointed out that the plan had probably only momentarily

[24] *Avis et Rapports*, July 9, 1952, p. 269.
[25] *Avis et Rapports*, July 24, 1952, p. 283.
[26] *Avis et Rapports*, March 12, 1952, p. 31.
[27] *Avis et Rapports*, Nov. 27, 1952, p. 497.
[28] *Avis et Rapports*, June 18, 1952, p. 107.
[29] *Avis et Rapports*, March 21, 1952, p. 39.

halted the price rise and that only an increase in production and a vigorous program of capital investment would solve the basic problem.[20] Much the same conclusion was reached in a report explicitly on the policy of the government with respect to lowering prices. The whole Council concurred in this report, except for the contrary votes of the CGT and the abstention of one member of the French thought group.[21]

If one adds to the number of recommendations approved unanimously by the Council those approved by all groups except the Communist-controlled CGT, 40 per cent of the reports are included—an impressive degree of harmony among the vast majority of delegates.

A third category, closely related to the second, consists of those reports which the whole Council approved, except for the contrary or abstaining votes of the other labor groups and their affiliates, sometimes joined by the CGT and a scattering of other delegates. Six reports (about 16 per cent) fall in this category. One of these is a report reminding coal users that a ton of coal saved in industry is worth more than a ton cut at the coal face—that one-sixth of the French coal production could probably be saved by careful husbanding of energy resources.[22] On a related issue, that of how to develop the slim French reserves of petroleum in Alsace, the labor group was again the core of the minority. The majority of the Council recommended that private companies be encouraged to undertake the relatively uneconomic development of these poor resources by being given tax remissions.[23] The same combination was in operation, although this time the labor groups were joined in their opposition by a scattering of votes from other groups, in a report on how to equalize the wages of agricultural workers with those in industry. Both sides in this controversy were in favor of increasing agricultural wages, but the labor groups asked that it be done immediately, whereas commerce and industry and the bulk of the agricultural group decided that it should be done gradually.[24]

In two additional reports, both undertaken at the request of the government, the bulk of the opposition came from labor union groups and their adherents in the agricultural and French Union delegations. One of these concerned a government project for regulating civil aviation; forty-four of the forty-five delegates who voted against the report were in one way or another tied to the labor groups.[25] The second report contained a detailed survey of the fruit and vegetable marketing procedures in France and excoriated the traditional practices used at Les Halles, the great central green-produce market in Paris. Twenty-nine of the thirty-two who opposed this report belonged to the labor groups or were affiliated with them, whereas the great bulk of the agricultural

[20] *Avis et Rapports*, June 20, 1952, p. 131.
[21] *Avis et Rapports*, June 26, 1952, p. 246.
[22] *Avis et Rapports*, July 24, 1952, p. 303.
[23] *Avis et Rapports*, July 24, 1952, p. 295.
[24] *Avis et Rapports*, Feb. 13, 1952, p. 25.
[25] *Avis et Rapports*, Dec. 11, 1952, p. 521.

group as well as the majority of the Council agreed with the report.[36]

Only the *Force Ouvrière* group and its representatives in the French Union and agricultural groups abstained in a vote on a report urging the government to consider including allotments for mechanical equipment in the agricultural areas in the modernization and equipment plan.[37]

A fourth category—into which few reports fall—consists of those recommendations in which the commerce and industry groups constitute the main opposition. In only one report were those groups substantially alone in their opposition; this was a report in which the Minister of Finance was criticized for the statistical base on which he constructed his annual account of the national revenue.[38] In another report the commerce and industry groups, supported by a scattering of others, objected to the Council's approval of the government's investment program on the ground that the program should put more emphasis on investments which favored the harmonious development of productive capacity in all segments of the French economy.[39]

In two other reports the private commerce and industry groups constituted the main core of the opposition—more than half—but were joined by a good many other groups. One of these concerned a complicated law regulating deposits made by buyers for goods to be delivered later. Buyers could cancel the order and get their deposits back under certain conditions if the price of the goods had risen too much before delivery.[40] The other report concerned the extending of additional credits by the state to the state-operated post office, telephone, and telegraph system.[41]

These four categories of reports—those supported by a unanimous Council, those opposed only by the CGT, those opposed by labor, and those opposed by commerce and industry—comprise sixty-eight per cent of the reports drafted in 1952. In the remaining thirty-two per cent, the splits between the groups do not fit into convenient categories. In these, various large groups often are found in opposition. Capital and labor sometimes join hands; sometimes labor and agriculture work together—although the agricultural group is rarely found in the opposition or abstention column. On one occasion, however, in a report describing an extensive reorganization of the Ministry of Economic Affairs, the bulk of those who abstained or voted against the report were connected with the agricultural group and the CGT.[42] In another instance, the CGT joined hands with the commerce and industry group. Both abstained from voting on a report recommending that many more restraints be placed on the financial management of industry—such as requirements that stockholders be informed

[36] *Avis et Rapports*, Oct. 8, 1952, p. 337.
[37] *Avis et Rapports*, Oct. 9, 1952, p. 345.
[38] *Avis et Rapports*, Dec. 24, 1952, p. 577.
[39] *Avis et Rapports*, Dec. 16, 1952, p. 549.
[40] *Avis et Rapports*, July 9, 1952, p. 263.
[41] *Avis et Rapports*, March 26, 1952, p. 69.
[42] *Avis et Rapports*, May 21, 1952, p. 95. Incidentally, this report presents a valuable account of interdepartmental relations and of departmental relations with specific clients outside of the government.

in advance of resolutions to be presented at stockholders meetings, and that an enterprise be limited in financing itself without stock issues.[43] A somewhat related line-up, except that there was more division in the agricultural group, was evident in a much divided vote on a report charging that the excessive cost of rearmament was lowering the standard of living.[44]

In summary, there was unanimity or virtual unanimity on eight reports (21.6 per cent); abstention or opposition only by CGT delegates on seven reports (18.9 per cent); only by labor groups on six (16.2 per cent); only by commerce and industry groups on four (10.8 per cent); and by miscellaneous combinations of groups on twelve (32.4 per cent).

If one examines the voting figures for the different groups, instead of looking at the extent of opposition to the reports, the picture is not greatly different, except that the private commerce and industry groups are shown to have joined the opposition side relatively often. The following figures give the proportion of those members from each group who were present and who voted for the various propositions.[45]

Agriculture	90.3%	Family Associations	82.2
Nationalized enterprises	89.7	CGC	82.1
Artisans	88.8	CGT-FO	77.8
Diverse activities	87.5	Private industry	71.2
Cooperatives	87.4	Private commerce	70.8
French Thought	83.3	French Union	64.4
CFTC	82.8	CGT	45.7

By comparison with voting records of party groups in the legislature, these figures indicate an impressive degree of harmony with respect to the findings and recommendations made by the Economic Council. It cannot be said that this necessarily indicates that these groups strongly support the existing economic regime, however, because nearly all of the Council's reports are in one way or another critical, recommending changes in the existing structure. But the figures do indicate which groups most nearly agree with the prescriptions made by the Council. Only the CGT can be considered as being frequently opposed to the findings—and this opposition is often based on the political viewpoint of the Communist party. The French Union, private industry, and private commerce groups are next in line as less enthusiastic supporters of the Council's reports; yet even with these, and especially the last two, the degree of approval is considerable.

Voting records reveal that the economic interest groups in the Council are also unlike those of the French legislature in that they are much more cohesive. The most cohesive were the labor groups, headed by the CGT and the CFTC. In all of the votes in 1952 on final recommendations of the Council, not once did these groups split their votes. The CGT-FO split its vote only once—on a

[43] *Avis et Rapports*, Nov. 14, 1952, p. 409.

[44] *Avis et Rapports*, June 20, 1952, p. 232.

[45] The groups of one or two members have been omitted on the ground that they are too small to be statistically valuable for purposes of comparison.

report saying that economy in the use of coal and other energy resources was of the greatest importance. The CGC, the organization of foremen, was also split only once—in the report on the wholesale and retail fruit and vegetable marketing procedure.

The private commerce and industry groups were only slightly less cohesive. The industry group split its votes on two of the reports. One concerned the law on returning deposits to prospective buyers in the event the price had risen too much before the goods were delivered, and the other concerned the disparity between wholesale and retail prices in selling fruits and vegetables. In these same two reports, plus one other—on the sale of alcohol in the colonies—the commerce group was split. The artisan group divided its votes only once—on this same controversial law on returning deposits to prospective buyers.

Among the slightly more divided groups were those of French Thought, in which there were four split votes (or 10 per cent), the diverse activities group, in which there were five split votes (13 per cent) and the cooperative and nationalized enterprise groups, in which there were six (16 per cent). The family association group split nine times (24 per cent).

The most divided groups were those of agriculture and the French Union. The agricultural group split its vote twenty-three out of thirty-seven times (about 62 per cent), but in most of these votes the only defectors were the agricultural representatives associated with the CGT or the other labor groups. If these are eliminated, the rest of the group split eight times or (21 per cent). The explanation for the even greater divisions in the French Union group—which split twenty-seven times (73 per cent)—is much the same as for agriculture; the French Union group is made up of diverse interests, and in most of the votes the members voted with their companion interest groups in Metropolitan France.

By way of summary, it can be said that the groups in the Economic Council are remarkably cohesive. They are relatively united in the prescriptions which they write for the ills of the French economic system. Such differences as do exist among them often arise, as one would expect, out of the differing views of capital and labor as to the proper remedies. In short, the Economic Council serves as a useful source of information on outstanding problems of the French economy, and on the views of the various organized economic interests towards those problems.

POLITICAL PERSONALITY AND ELECTORAL CHOICE*

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The most widely-held and well-supported theories of electoral choice today relate such choice to group membership, socializing, so to speak, the vote decision. In this process the personality of the individual voter has tended to be overlooked or its influence minimized. In focussing in this discussion upon the relationship of authoritarianism to electoral choice, therefore, we hope not only to contribute to our knowledge of a particular personality pattern in a political context but also, more generally, to restore the individual, as contrasted to the group, to an important place in a theory of the electoral process.

In an electoral situation, as in any other situation, personality factors play a double role: (1) they affect the perceptions of the individual, screening out some stimuli, distorting others, and admitting others intact; and (2) they shape the responses of a person, selecting among the various possible responses those which are most serviceable to basic personality needs. Every personality develops certain attitudes to assist in this process of selecting among the possible responses. For example, interest in the election,[1] sense of duty,[2] sense of political efficacy,[3] or sense of social integration with the community[4] might form the nucleus of the attitudes bearing on the decision whether or not to vote. Identification with a political party,[5] position on current political issues,[6] candidate

* This analysis is based on data from a national sample survey conducted by the Survey Research Center, University of Michigan, under the sponsorship of the Political Behavior Committee of the Social Science Research Council. While the author is grateful to the Center and the Committee for access to the data, neither the Center nor the Committee bears any responsibility for this analysis. The author also wishes to acknowledge his debt to Angus Campbell for clarification of the relationship of personality and perception in a political context, and to Warren Miller for help in learning the intricacies of survey analysis.

[1] See, for example, Elmo Roper's interpretation of "concern" in "New York Elects O'Dwyer," *Public Opinion Quarterly*, Vol. 10, pp. 53–57 (Spring, 1946). Charles E. Merriam and Harold F. Gosnell treat this attitude under the head of general apathy in *Non-Voting* (Chicago, 1924); Paul Lazarsfeld, Bernard Berelson, and Hazel Gaudet consider the significance of "interest" in *The People's Choice* (New York, 1944), pp. 40–41.

[2] Angus Campbell, Gerald Gurin, and Warren Miller, *The Voter Decides* (Evanston, Ill., 1954), pp. 194–99; Harrison Gough *et al.*, "A Personality Scale for Social Responsibility," *Journal of Abnormal and Social Psychology*, Vol. 47, pp. 73–80 (Jan., 1952).

[3] See *The Voter Decides*, pp. 187–94.

[4] See Alice Kitt and David B. Gleicher, "Determinants of Voting Behavior," *Public Opinion Quarterly*, Vol. 14, pp. 393–412 (Fall, 1951); the idea forms an important part of the analysis of Bernard Berelson, Paul Lazarsfeld, and William M. McPhee, *Voting* (Chicago, 1954), and is further developed in *The Voter Decides*, pp. 199–206.

[5] The idea of traditional loyalty to political parties has been discussed by such writers as MacCauley, Bryce, and Holcombe, and has recently been analyzed by V. O. Key in his *Southern Politics in State and Nation* (New York, 1949). See also *Voting* and *The Voter Decides*, pp. 88–11.

[6] For the relationship of issues to electoral choice see Stuart Rice, *Quantitative Methods*

preference,[7] anticipation of economic or political advantage,[8] prestige considerations,[9] or identification with a partisan social group[10] might affect the vote itself.

I. CIRCUMSTANCES LIMITING THE INFLUENCE OF PERSONALITY

We have said that dimensions of personality can help to explain certain attitudes which in turn help to explain participation decisions and partisanship decisions. But the influence of personality in making these contributions to the ultimate political decisions is not constant, due to variation in the strength of the personality factors which may be present. In addition, the situations themselves provide either a broad or a narrow scope for the influence of personality. Undoubtedly many elements of the situation tend to affect the degree of influence that personality may have on any single electoral decision, but among the important elements of the situation the following four are surely significant.

1. *The degree to which the national or local culture has established an approved norm.* Where the individual perceives a latitude of decision, elements of his personality can guide his decision in a way which is not possible where the culture provides sanctions against all those who deviate from a specified position.

2. *The degree to which the choice is guided by personal experience and illuminated by personal information.* It is a commonplace that a structured situation gives rise to fewer rumors and less projectivity than a vague situation where knowledge is little and guideposts few. But where there is personal information, the projective possibilities are limited and internal referents are displaced by clearer perceptions of the outside world.

3. *The degree to which the choice is guided by perceived economic, social, or political self-interest.* A person who believes that some clear gain to himself or

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in Politics (New York, 1928); Julius Turner, *Party and Constituency* (Baltimore, 1951); George Belknap and Angus Campbell, "Political Party Identification and Attitudes toward Foreign Policy," *Public Opinion Quarterly*, Vol. 15, pp. 601–23 (Winter, 1951–52); *The Voter Decides*, pp. 112–35; Angus Campbell and Robert L. Kahn, *The People Elect a President* (Ann Arbor, 1952), pp. 54–60.

[7] See Fillmore Sanford, "Public Orientation to Roosevelt," *Public Opinion Quarterly*, Vol. 15, pp. 189–216 (Summer, 1951); Jerome Bruner and Sheldon Korchin, "The Boss and the Vote," *Public Opinion Quarterly*, Vol. 10, pp. 1–23 (Spring, 1946); *The Voter Decides*, pp. 136–43; James C. Davies, "Charisma in the 1952 Campaign," this REVIEW, Vol. 48, pp. 1083–1102 (Dec., 1954).

[8] Although the assumption that man behaves economically in political situations has been prevalent in the literature, the nature of this type of motivation has rarely been analyzed. Much of the discussion has dealt with group economic interests, confusing the appeals of group solidarity and economic gain. Other discussion, that of Bean, Lundberg, Holcombe, Lubell, and others, shows the economic basis for the vote, without reference to the psychology of economic self-interest. On this latter point, see the forthcoming work of Stephen Sarasohn.

[9] Samuel Lubell, *The Future of American Politics* (New York, 1951), pp. 75–80.

[10] Howard Freeman and Morris Showell, "Differential Political Influence of Voluntary Associations," *Public Opinion Quarterly*, Vol. 15, pp. 703–14 (Winter, 1952); *The People's Choice*, pp. 137–58; Berelson *et al.*, *Voting;* and Morris Janowitz and Warren Miller, "The Index of Political Predispositions in the 1948 Elections," *Journal of Politics*, Vol. 14, pp. 710–25 (Nov., 1950).

to his group will result from a victory of one or another candidate generally narrows the scope of "expressive" responses. In other words, when dealing with tax and subsidy matters, the expression of aggression, passivity, projectivity, and authoritarian-submission will be inhibited when they entail the prospect of economic loss, although they may be pressed into the service of the economic interest in the manner or style of argument employed.

4. *The degree to which a person's group memberships create cross pressures.* When a person belongs to groups whose political attitudes are homogeneous, the scope of personality factors is somewhat limited by his narrowed perception of alternatives. When he belongs to several groups whose political views are different, he must choose among them, compromise, or withdraw from the field.

Even if the above four factors are kept constant and the strength of personality forces in the individual himself is fixed, there is another way in which the influence of personality on electoral choice may be varied. Not all elections evoke the same kinds of personality responses. For example, Paul Lazarsfeld suggested (in a recent talk at the Survey Research Center) that the 1896 campaign between Bryan and McKinley might have brought forth a difference between the inner-directed and the other-directed persons of Riesman's typology in a way never again reproduced, whereas the 1928 campaign in which Prohibition was a campaign issue might have been more discriminating on certain elements of the authoritarian syndrome. Each election, then, varies not only in the degree to which it evokes decisions determined by personality, but also with respect to the nature of the personality syndromes which are relevant.

In spite of these various opportunities for personality-shaped determinations, it must be repeated that under many circumstances the social forces, the group memberships, and the stimuli of the media, which have been at the focus of traditional attention, exercise their influence without regard to personality factors. So to speak, they slip unscathed through the screening influences of the personality. It is for this reason, among others, that analyses of political decisions employing solely demographic data and data of exposure to the media have been able to achieve considerable success. Yet always behind the demographic relationships there lurk the unexplored problems of motivation, both for the portion of the vote that is "explained" in this fashion and even more for that portion which is considered deviant.

II. METHOD

Although the literature contains many suggestions of personality factors which might provide the basis for fruitful exploration, the authoritarian "syndrome" isolated by the pathbreaking study on *The Authoritarian Personality*[11] has been selected for the following case study. Recent criticism[12] has tended to highlight the methodological weaknesses of this work, but further research with

[11] T. W. Adorno, Else Frenkel-Brunswik, Daniel S. Levinson, and R. Nevitt Sanford, *The Authoritarian Personality* (New York, 1950).

[12] Richard Christie and Marie Jahoda, "The Authoritarian Personality," in *Continuities in Social Research* (Glencoe, Ill., 1954), pp. 50–122.

the instruments devised by its authors has amplified our knowledge of the several personality factors involved in the "authoritarian personality" and has corroborated a significant proportion of the original findings.[13] The set of attitudes which make up the authoritarian syndrome may be briefly described as follows: desire to submit to strong leaders; desire to dominate persons and groups seen as weaker than oneself; tendency to seek destructive and aggressive solutions to problems as contrasted to an attitude of tolerance and compromise; tendency to accept superstitious or supernatural explanations and to avoid scientific explanations; tendency to see individuals as members of favorable or unfavorable types rather than as unique human beings; cynicism regarding other people's motives (and regarding the integrity of the political process); tendency to project one's own motivations upon other people—to see them responding in the same way the individual himself responds; tendency to value conventional attitudes and behavior and to reject deviants—tendency to conformity; tendency to avoid introspection and to "externalize" explanations for the events in one's life (anti-intraception); tendency to see situations in terms of power and to see one's own part in such situations as a function of one's own power and toughness; tendency for sex drives to be inadequately integrated with the rest of the personality, and therefore a fear of sexual impulses.[14]

But to move from a promising and indeed demonstrably fruitful concept to a test of the concept in some relevant situation is difficult. The authoritarian personality was originally measured by a battery of thirty items, called the F (for Fascist) Scale. Ten of these thirty items were included in a battery of questions asked of a portion of the national sample, interviewed by the Survey Research Center in their November, 1952, post-election survey, thus opening up an opportunity for significant research on the relation of personality to electoral behavior.

The use of these data, however, posed a number of methodological questions, a few of which must be mentioned. First, there emerged the question of the *representativeness* of the sample. Only a portion (585) of those interviewed in the post-election national survey were asked the authoritarian-equalitarian (AE) questions. Since the 585 were randomly selected from a random stratified sample, there was assurance that they were about as close to a representative national sample as could be secured with this size group. Second, was the question of the *nature of the scale* to be used. It would have been possible to construct a simple Likert-type scale on the basis of all ten of the questions, but this type of scale is open to the criticism of multi-dimensionality; the scale may be measuring more than one dimension of personality. For this reason, after some experimentation a Guttman-type four-item scale (hereafter referred to as "the AE scale") was constructed which met the minimum requirements for this type of scale—a Coefficient of Reproducibility of 90.4.[15] This type of scale has the vir-

[13] *Ibid.*, pp. 123–96

[14] *The Authoritarian Personality*, pp. 222–79.

[15] The coefficients of error for each question were: 1—7.6; 2—12.7; 3—12.0; and 4—7.4. On computation and use of the Guttman Scale, see L. Guttman, "The Basis for Scalogram

tue of more nearly measuring a single dimension. The items in this scale, with their distributions, are as follows:

1. What young people need most of all is strict discipline by their parents. (agree: 76%; disagree: 23%; NA: 1%)
2. Most people who don't get ahead just don't have enough will power. (agree: 64%; disagree: 35%; NA: 1%)
3. A few strong leaders could make this country better than all the laws and talk. (agree: 51%; disagree: 48%, NA: 1%)
4. People sometimes say that an insult to your honor should not be forgotten. Do you agree or disagree with that? (agree: 25%; disagree: 73%; NA: 2%)

In some ways this four-item scale purports to measure, by a less complex method, an aspect of personality already explored by the authors of the *Authoritarian Personality*. Although there are areas of difference, the series of attitudinal and behavioral relationships obtained with this shorter AE scale do suggest that the scale measures some of the main dimensions of the 30-item F Scale. By and large, the evidence presented below reveals that those who show high authoritarianism on the four-item AE scale are less tolerant of ambiguity, more ethnocentric, more projective (at the lower educational levels), more moralistic, and more tough in their attitude on foreign affairs (at the lower educational levels) than are the equalitarian types.

The demographic characteristics of the authoritarian and equalitarian personalities are of interest, but space permits discussion of only the educational factor. As might be expected, the more education a person has the more likely he is to be equalitarian, but the relationship between education and authoritarianism is not a very close one. Suffice it to say that those with only a grade school education are the most authoritarian group by a moderate margin.

III. POLITICAL PARTICIPATION

Political participation can be conveniently classified in terms of three modes of behavior: (1) non-voting; (2) voting without further political activity; and (3) voting plus such further political activity as going to meetings, ringing doorbells, and contributing funds. How does authoritarianism relate to these levels of participation?

Theoretically, the expectation is unclear. Voting implies faith in a democracy (equalitarian), but it is also a conventional act (authoritarian). Political activity implies social responsibility (equalitarian), but it also suggests power-oriented activity (authoritarian). Other studies have indicated that authoritarians tend to vote less than equalitarians;[16] but since authoritarianism and non-voting are both class-linked and the data are not broken down by classes, one cannot be sure of the validity of this conclusion. Similarly, Fillmore Sanford concludes that "equalitarians are more politically participant"[17] but his

Analysis," in Samuel Stouffer *et al.*, *Measurement and Prediction: Studies in Social Psychology in World War II* (Princeton, 1950).

[16] Morris Janowitz and Dwaine Marvick, "Authoritarianism and Political Behavior," *Public Opinion Quarterly*, Vol. 17, pp. 185–201 (Summer, 1953).

[17] Fillmore H. Sanford, *Authoritarianism and Leadership* (Philadelphia, 1950), p. 159.

data suffer from the same lack of class breakdown, and therefore, the same possible invalidity.

When our data are not broken into two class groups, it also appears that there is a significant personality difference ($\rho > 5\%$) between authoritarian and equalitarian patterns of participation, but when the class break-down is made, this significance disappears. On the basis of the class-controlled (education) data there appears to be almost no difference in non-voting between the two personality groups and only slight differences ($\rho > 17\%$) in political activity of the meeting-going, money-giving type.

Yet such evidence in no way proves that the authoritarian syndrome does not play a part in decisions on political participation. It is possible for people to arrive at the same decision for different reasons, to vote for different reasons, and to go to meetings for different reasons. Although with the data at hand we cannot probe deeply into motivation, we can make a rough test of the way two important influences on participation bear on authoritarians and equalitarians in our sample.

The first of these influences is a set of attitudes relating to a person's belief in the effectiveness of voting in a democracy. In a battery of five questions, the Survey Research Center probed people's beliefs on whether public officials "care what people like me think," the effectiveness of the vote in influencing policy, and the sense of bewilderment at the complexity of public problems, summarizing the responses in a score on "sense of political efficacy." Theory would suggest that the authoritarian, with his cynicism and his belief that weak people do not have to be consulted, would score low in such a test. The data for non-high school graduates are given in Table I. There was no significant relationship for the better-educated group.

TABLE I. AUTHORITARIANISM AND SENSE OF POLITICAL EFFICACY FOR NON-HIGH SCHOOL GRADUATES

Sense of Political Efficacy	Authoritarianism	
	Equalitarian N = 53	Authoritarian N = 147
Low	38%	55%
High	62	45
Total	100%	100%

$\chi^2 = 5.04$ $\rho > 5\%$.

But if a sense of the importance of his vote helps lead the equalitarian into political participation, why does the authoritarian participate? Is it from a sense of duty? The members of the sample were asked about their concept of of a person's duty to vote under various circumstances and were scored on their responses. On the whole, it appears that authoritarians and equalitarians

do not perceive the duty to vote in different ways—it is too heavily laden with cultural approval for such personality dimensions to show through.

Why, then, does the authoritarian vote and become active in approximately the same degree as the equalitarian? It is at least possible that he is responding less to inner feelings of responsibility and self-confidence and more to external pressures. The nature of such pressures is such that they tend to increase with the number of social contacts a person has in a community, or the number of groups to which he belongs. Therefore, greater number of group memberships of authoritarians revealed in Table II is significant in appraising the context of "civic" influences on the two personality groups.

TABLE II. AUTHORITARIANISM AND NUMBER OF FORMAL GROUP MEMBERSHIPS

	Authoritarianism	
	Equalitarian	Authoritarian
Non-High School Graduates	(N = 60)	(N = 172)
0–2 group memberships	72%	62%
3 or more group memberships	28	38
Total	100%	100%
High School or College Graduates	(N = 68)	(N = 97)
0–2 group memberships	68%	51%
3 or more group memberships	32	49
Total	100%	100%

$\chi^2 = 6.58 \quad p > 5\%$.

Yet the data probably have another meaning as well. The very thing which makes the authoritarian a joiner of groups (although, according to Sanford,[18] not a leader) may also make him politically active: that is, it is the perception of some personal or material advantage which makes him both join groups and work for a political party. Sanford has shown that the authoritarian, more than the equalitarian, is reluctant to join the less prestigeful groups but eager to "head up" some community committee work.[19] Similar considerations probably enter into the authoritarian's calculations regarding political activity.

From the evidence, therefore, it appears that although there is little difference in voting and political activity between the two personality groups, there may be differences in the personal meanings of these forms of participation to the two groups. The equalitarian, in part at least, seems motivated by a feeling that his voice in a democracy is significant; the authoritarian may be responding more to the group (conventional) pressures around him, and to the hope of some increment in prestige and power associated with his political activity.

[18] *Authoritarianism and Leadership*, p. 181.

[19] *Ibid.*, pp. 159–69.

IV. ORIENTATION

While this portrayal of personality forces operating covertly in a series of political acts helps to illuminate the level of participation, it does nothing to reveal the direction. Other studies have suggested that there is a relationship between ideology and authoritarianism,[20] between Communist party identification and authoritarianism,[21] and between candidate orientation at the rightist margin and authoritarianism.[22] This last study, however, also shows that in the spring of 1952 there were only minimum differences between Eisenhower and Stevenson supporters at the upper-income level, and the Adorno study shows the small difference in authoritarianism between "Willkie Republicans" and "New Deal Democrats" in 1946 and 1947. Theoretically, therefore, there was no clear reason for assuming that the vote in the 1952 election would reflect important differences in authoritarian personality orientation. The data are given in Table III.

TABLE III. AUTHORITARIANISM AND THE 1952 VOTE PREFERENCE

1952 Vote and Vote-preference of Non-voters	Authoritarianism	
	Equalitarian	Authoritarian
Grade School	(N = 30)	(N = 124)
Democratic	60%	49%
Republican	40	51
Total	100%	100%
High School	(N = 70)	(N = 98)
Democratic	51%	34%
Republican	49	66
Total	100%	100%
College	(N = 26)	(N = 41)
Democratic	38%	24%
Republican	62	76
Total	100%	100%

$\chi^2 = 8.60$ $p > 5\%$.

The interrelationship of personality, education, and the 1952 vote shows a pattern of some interest. It is clear that at every educational level authoritarianism tends to be associated with the Republican party. Furthermore, it is

[20] *The Authoritarian Personality*, pp. 151–207.

[21] See Edward A. Shils, "Authoritarianism: 'Right' and 'Left'," in *Continuities in Social Research* (cited in note 12), pp. 24–49.

[22] See Ohmer Milton, "Presidential Choice and Performance on a Scale of Authoritarianism," *The American Psychologist*, Vol. 7, pp. 597–98 (Oct., 1952).

pertinent to note that those at the middle level of education, the high school graduates who did not go to college, are most influenced by the personality dimension. It is at this level, roughly upper working and lower middle class, where social group memberships exert cross pressures, and, as noted above, cross pressures open up the way for personality influences which are blocked out by solidly partisan group identifications.

If it is legitimate to make a rough equivalence between education and socio-economic status, certain of the cell groups are especially significant. The authoritarian grade-school Republicans and equalitarian college Democrats suggest the influence of personality operating not merely to structure an ambivalent situation but in opposition to socio-economic pressures. These may be the groups for whom personality influences are the greatest of all. The equalitarian grade-school Republicans and authoritarian college Democrats represent groups for whom both socio-economic and personality forces are thwarted by some other more significant force, such as regional party loyalty, religious identification, or a particular stand on the issues of the day.

The relation of education to personality (authoritarianism) differences between the parties tells us something about the way in which equalitarians and authoritarians at every educational level behave politically. Their voting history is also informative in this respect. If one were to ask, for example, whether it was something distinctive about the 1952 election that attracted the authoritarians to the Republican standard, a clue would be given by the 1948 vote of each group. Examination of the data in Table IV shows that, on balance, the

TABLE IV. AUTHORITARIANISM AND THE 1948 AND 1952 VOTE

Voting Decision	Equalitarian		Authoritarian	
	1948	1952	1948	1952
	(N = 126)	(N = 127)	(N = 247)	(N = 241)
Democratic	37%	41%	36%	30%
Republican	21	38	28	43
Non-Voters	42	21	36	27
Total	100%	100%	100%	100%

$\chi^2 = 20.87$ $p > 1\%$.

1952 election had, in a small degree, opposite effects on the Democratic vote in the two personality groups, and that these effects were largely the result of the effects upon the non-voters. Put differently, 1948 equalitarian non-voters divided between Democrats and Republicans, while 1948 authoritarian non-voters probably went solidly for Eisenhower. In addition, some 1948 authoritarian Democrats switched to Eisenhower.

But, as with the problem of participation, once the fact of difference has been established, the explanatory hypotheses crowd the stage. Why, in 1952, were authoritarians drawn to vote for the Republican candidate, General Eisen-

hower? The line of attack on this question will use three elements in the vote decision: party identification; position on current and relevant issues; and attitudes towards the candidates.

Party Identification. Party identification, that is, a sense of personal attachment to a political party, is a significant feature of a man's group orientation; it helps him to decide not only which candidate to support but also which issues to endorse and to oppose. It is related to many things which define a man's living space, such as his family and friends, his religion, and his socio-economic status. In view of this significance, how do authoritarians and equalitarians tend to relate themselves to political parties? The data are presented in Table V.

TABLE V. AUTHORITARIANISM AND PARTY IDENTIFICATION

Party Identification	Authoritarianism	
	Equalitarian	Authoritarian
	(N = 117)	(N = 241)
Democratic	48%	47%
Independent	35	23
Republican	17	30
Total	100%	100%

$\chi^2 = 9.71$ $p > 1\%$.

Among other things, it is clear that there are many more Democratic party identifiers than Republican party identifiers or independents. One consequence of this fact is that for both equalitarian and authoritarian groups, there are more Democratic partisans than Republican partisans. The significant feature is the difference in proportion of partisans in each personality group. Among the partisans, the equalitarians are about nine to three Democratic, while the authoritarians are only about five to three Democratic, a relationship due partly to socio-economic factors. It is also clear that the equalitarian is more likely to be independent (tolerant of ambiguity)[22] than the authoritarian. Put another way, one might say that personality (authoritarianism) does not make so much difference in terms of identification with the Democratic party, but does make a lot of difference as to whether one says he is an independent or a Republican. For those who do not identify with the Democratic party (because of demographic considerations, group pressures, or ideological conviction), authoritarian motivations will move them towards Republican partisanship, while equalitarian considerations will move them toward an independent position.

Although it would be fruitless to attempt here to catalog the many kinds of attitudes which impel a man to identify with one party rather than another

[22] *The Authoritarian Personality*, pp. 461 ff.; 480 ff.

as a regular feature of his orientation, surely one of the elements in this choice lies in his perception of the kind of group with which he is aligning himself. It was clear enough in the Survey Research Center study of the 1952 election, for example, that most members of the electorate perceived the Democratic party as being more closely associated than the Republican party with labor union members, and the Republican party as being more closely linked than the Democratic party with big business. For those people who regard unions as a negative reference group, and who wish to disassociate themselves from unions and possibly the working class in general, identifying with the Republican party offers a means of so doing; and in reverse the same thing is true of "big business." Equally, it is true that for those who wish to vote Democratic for other (family, regional, economic) reasons, a means of escape from this conflict is offered by changing the perception of the disliked labor union group so that one "doesn't know" how union members will vote, or so that they are seen as voting Republican. Projection of this kind offers a kind of index to the social distance a person wishes to place between himself and a specified group.

Specifically, we would hypothesize that authoritarians would tend to disidentify from whatever party they perceived as the party of Negroes, immigrants, and "social inferiors." If this were true, authoritarians would tend to see these groups voting for the other party rather more than did the equalitarians; that is, their effort to identify with the more respectable party would be measured by their projective perceptions of the way the less prestigious groups voted. This hypothesis can be tested with perceptions of the Negro vote in 1952. The data for the better-educated group (high school or college graduates) who stated a perception on this point are given in Table VI.

TABLE VI. AUTHORITARIANISM AND WHITE PERCEPTION OF THE NEGRO VOTE AMONG HIGH SCHOOL OR COLLEGE GRADUATES

Perception of the Negro Vote	Equalitarian	Authoritarian
Negroes will vote "like me" i.e., Democrats think Negroes will vote Democratic, Republicans think Negroes will vote Republican.	(N = 44) 59%	(N = 74) 41%
Negroes will not vote "like me," i.e., Democrats think Negroes will vote Republican, Republicans think Negroes will vote Democratic.	41	59
Total	100%	100%

$\chi^2 = 3.99 \quad p > 5\%$.

Why this relationship attains significance only among the better-educated portion of the population is not clear, although the presence of "split" and "don't know" categories left the less well-educated groups means of "escape," which they used relatively more frequently. What the data suggest, however, is that political parties are reference groups with positive and negative images in

the minds of the electorate and that further research into the properties of these reference groups might be rewarding.

Political Issues. The part which political issues play in national elections has never been adequately appraised and certainly not measured. The lore of political science is filled with historical judgments: the Democrats lost the 1920 election on the question of the League of Nations and the issue of "normalcy"; the Republicans lost New York in 1884 because of a "rum, Romanism, and rebellion" statement left uncorrected by James G. Blaine; Woodrow Wilson won the 1916 election on the basis of an implied pledge to keep the United States out of war, and so forth. More recently Campbell, Gurin, and Miller have minimized the role of issues in the 1948 election, while Julius Turner elevates them into a much more significant position in that election.[24] The relative importance of issues, candidates, and traditional party loyalties assumes varying proportions in each campaign and there remains much to be done in discovering how each of these factors, and particularly issues, relate to other campaign phenomena.

Whatever their particular influence in each election, issues are significant features of the electoral process and the stand a person takes on the important issues of the day will contribute to his electoral decision.[25] The extent of the awareness of the issues of the day taken all together will, of course, vary greatly in the population, just as the significance of any one issue will be differently appraised by different people. Here, again, personality will affect this determination. An illustration of this is provided by the "coders'" estimates of the main reason why each respondent in the 1952 study who had arrived at a vote decision prior to election day would cast his ballot as he planned. (The coders were neutral staff persons in the Survey Research Center who were required to go through every interview and indicate how the interview was to be coded on the IBM cards.) Although in a number of areas there were no differences, it appeared that equalitarians were more likely to be concerned with domestic issues and authoritarians with foreign policy (projective?) issues. Of more significance, perhaps, is the finding that of the 35 cases of persons whose main reason for voting for Eisenhower was the corruption issue, the distribution was as follows: equalitarians, 17 per cent; medium, 26 per cent; authoritarians, 57 per cent. Although the number is small, the evidence suggests that the authoritarian is, in politics as elsewhere, more concerned with conventional moral values than is the equalitarian; if he is a reformer, he is a moralistic reformer and not a social reformer.

The Survey Research Center study makes the statement that the voters favored Eisenhower "because a central aspect of his appeal was his presumed ability to do something personally about Korea and the cold war."[26] How does personality relate to voters' attitudes on Korea? If it could be shown that per-

[24] See Julius Turner, "Responsible Parties: A Dissent from the Floor," this REVIEW Vol. 45, pp. 143–52 (March, 1951).

[25] See *The Voter Decides*, pp. 112–35.

[26] *Ibid.*, p. 67.

sonality factors such as authoritarianism were related to popular attitudes on Korea, it would follow that personality probably made some contribution to vote decision in 1952.

Curiously enough, in the attitudes on foreign policy authoritarianism plays a role only among those who have at least some high school education. Although this was not expected, in retrospect one might argue that those with less education either answer "don't know" or, if they have views on foreign policy, take their cues from their party alignment in a way not true of the better-educated groups. Earlier we made the inference that lower-class individuals are less influenced than others by personality considerations in their party choice because of the preponderance of group and demographic forces. It now appears that this holds true for issues as well as for party identification.

Specifically, on the Korean question we would hypothesize that the authoritarian would be less likely to tolerate continued peaceful negotiation in Korea at a time when progress there seemed minimal (intolerance of ambiguity) and would prefer a policy either of pulling out or of bombing the Chinese and committing other aggressive acts (authoritarian aggression and destructiveness, orientation toward power and toughness). The data for the better-educated groups controlled for the 1952 vote decision, are given in Table VII.

TABLE VII. AUTHORITARIANISM AND ATTITUDES ON UNITED STATES KOREAN POLICY AMONG HIGH SCHOOL OR COLLEGE GRADUATES

Policy	Authoritarianism and the 1952 Vote			
	Democrats		Republicans	
	Equalitarian	Authoritarian	Equalitarian	Authoritarian
	(N = 42)	(N = 39)	(N = 58)	(N = 98)
Pull out of Korea entirely	5%	15%	5%	14%
Keep on trying to get a peaceful settlement	67	49	38	29
Take a stronger stand and bomb Manchuria and China	26	36	48	52
Other	2	0	9	5
Total	100%	100%	100%	100%

$\chi^2 = 8.26$ $p > 10\%$.

The evidence tends to support the hypotheses, although the relationship is least strong (where we would expect it to be strongest) in the "bomb China" responses. In certain areas of foreign policy, then, we may say that the personality dimension of authoritarianism tended to contribute to or to reinforce a decision to vote for the Republican party in 1952.

The most salient question among the various domestic policies was the overall attitude towards what may be referred to as "welfare-statism," the notion

that the state should serve the interests of the less privileged through housing, health, and social security measures. It is not normally asociated with governmental aids to the business community or subsidies to manufacturers. For the lower-income groups, then, it has a quality of self-interest which obscures and overrides the relationship of personality (authoritarianism) to attitudes toward the welfare state, but there is no such clear self-interest (except indirectly, the tax interest) for the upper income and education groups. For these latter groups, in accordance with our theory of the circumstances which facilitate the influence of personality, some relationship might be expected.

On the question of services to lower-income groups, one would hypothesize that among the better educated, the equalitarians would be more likely to favor welfare services than would the authoritarians. The responses of those who wanted more governmental services and those who wanted less are compared in Table VIII. "About right" responses were ambiguous (conventional or "liberal"?) and hence not included in the analysis.

TABLE VIII. AUTHORITARIANISM AND ATTITUDES TOWARD THE "WELFARE STATE," AMONG HIGH SCHOOL OR COLLEGE GRADUATES*

	Authoritarianism and the 1952 Vote			
	Democrats		Republicans	
	Equali-tarian	Authori-tarian	Equali-tarian	Authori-tarian
	(N = 22)	(N = 18)	(N = 28)	(N = 46)
Not enough	86%	78%	61%	26%
Too much	14	22	39	74
Total	100%	100%	100%	100%

$\chi^2 = 9.38$ $p > 1\%$.

* Determined by the question "Some people think the national government should do more in trying to deal with such problems as unemployment, education, housing, and so on. Others think that the government is already doing too much. On the whole, would you say that what the government has been doing is about right, too much, or not enough?

The hypothesis is confirmed, although the relationship is much more significant among the Republicans and the numbers involved are small. On the whole, it would seem that for the equalitarian Republicans who believed in more governmental services (17 in number), a force had been set in motion which, given the right circumstances, would make them more likely than most Republicans to switch to the Democratic party.

It is important, however, to issue a *caveat* at this point, and to raise the possibility that issue-orientation may be the result of a vote decision, as well as a contributing cause. Belknap and Campbell have demonstrated the manner

in which certain policy attitudes flow from party identification,[27] and Lazarsfeld and associates have shown how a person resolves his cross pressures in a voting situation by adjusting his attitudes so that they are in conformity with his vote preferences.[28] Using only the partisan attitudes employed in this paper, the sequence of events, then, could take any one of three forms:

1. Party identification→vote decision ↗candidate preference / ↘position on issues
2. Position on issues→vote decision ↗candidate preference / ↘party identification
3. Candidate preference→vote decision ↗position on issues / ↘party identification

Party identification in the second and third forms, of course, would not be likely to develop out of a single election.

Candidate Orientation. The literature of political science has dealt extensively with the problem of candidate appeal to the electorate. Much of this discussion has been in terms of the demographic or experiential characteristics of the candidates, such as the advantage of a humble origin, the advantage or disadvantage of military titles, the handicap of being a non-Protestant and the importance of coming from a pivotal state. To some extent the personality of the candidate has entered into discussion, as in references to Wilson's coldness, Roosevelt's charm, and Dewey's apparent conceit. Furthermore, to an increasing degree the personality of the electorate or constituency has come under examination, as in Sanford's Philadelphia study,[29] James Davies' study of charisma in the 1952 election,[30] Hyman and Sheatsley's analysis of Eisenhower's appeal,[31] and studies of the followers of American demagogues.[32]

On the surface it appears that the 1952 election offers a unique opportunity for studying the part which personality plays in drawing people toward one or another political candidate. It was hypothesized, for example, that the authoritarian, more than the equalitarian, would be drawn toward Eisenhower, partly because he was endowed with the attributes of a victorious general, partly because he was presented as a "strong" leader, a role which he himself attempted to enhance by his selection of the term "crusade" to describe his campaign, and

[27] "Political Party Identification and Attitudes toward Foreign Policy" (cited in note 6), pp. 621–22.

[28] *The People's Choice*, pp. 56–64.

[29] *Authoritarianism and Leadership* (cited in note 17). See also Dorothea E. Johannsen, "Reactions to the Death of Roosevelt," *Journal of Abnormal and Social Psychology*, Vol. 41, pp. 218–22 (April, 1946).

[30] James C. Davies, "Charisma in the 1952 Campaign" (cited in note 7).

[31] Herbert Hyman and Paul Sheatsley, "The Political Appeal of President Eisenhower," *Public Opinion Quarterly*, Vol. 17, pp. 443–60 (Winter, 1953–54).

[32] See Bruno Bettelheim and Morris Janowitz, "Reactions to Fascist Propaganda—A Pilot Study," *Public Opinion Quarterly*, Vol. 14, pp. 52–60 (Spring, 1950).

partly because his opponent could well have been seen as a weak and indecisive intellectual. With this hypothesis in mind, an effort was made to test the relation of personality to the perception of the candidates.

A precondition of this test was the elimination of those who supported a candidate because he was their party's candidate or because his position on issues was more congenial to them. The first step, therefore, was to select all of those who responded to open-ended questions on the candidates in personal terms ("I like him," or "He is a marvelous man"). With data available on these responses, several hypotheses seemed plausible and were tested. The first of these was to the effect that authoritarians would respond more to candidates in this way than would equalitarians, a hypothesis in line with the theory expressed in *The Authoritarian Personality* that authoritarians tended to personalize politics.[33] The data showed that there was no such relation, at least as measured by the number of voluntary responses of this character.

A second hypothesis was to the effect that the group limiting its comments to pro-Eisenhower and anti-Stevenson statements would be more authoritarian, an hypothesis not borne out by the data. One of the interesting findings, incidentally, was that one of the most authoritarian patterns of response was given by those who made only favorable references to Stevenson with no other personal references of any kind. Inspection of the data, however, showed that most of the equalitarian patterns included some critical remarks about Eisenhower, whereas most of the authoritarian patterns did not. The data were then arranged as shown in Table IX.

The similarity of responses of equalitarians and authoritarians suggests that the authoritarian syndrome is unrelated to attitudes towards Stevenson and Eisenhower. Yet since this facet of personality is related to attitudes on political issues, to party identification, and to some elements of participation, it seems likely that it is also related to the selection of the candidate. As in the case of political participation, it seems probable that authoritarians and equalitarians arrived by different routes at similar decisions on the candidates. To some, "Ike" may have appeared as a *warm, friendly, democratic man*; to others he may have been a *strong, military leader* who would shoulder the nation's burdens; to still others, he may have been specially trained in international affairs and hence a *competent man* who might solve the problems posed by the Korean war; in short, his special strength may have been the ambiguity of his public personality.

That there is a difference in the basis of support for the two candidates is suggested, although not proved, by the figure in Table IX. Equalitarians tend to support Eisenhower as much as do the authoritarians, but they are also markedly ($\rho > 11\%$) more critical. What is the meaning of this?

One interpretation might be that equalitarians liked Eisenhower as much as did the authoritarians, but voted Democratic either because they liked Stevenson better or because of the greater influence of party identification and issue orientation.

[33] *The Authoritarian Personality*, pp. 664–71.

TABLE IX. AUTHORITARIANISM AND CRITICISM AND SUPPORT OF EISENHOWER AND STEVENSON

Expression of Criticism and Endorsement	Equalitarian (N = 121)	Authoritarian (N = 251)
Expressed criticism of Eisenhower in personal terms	60%	48%
Did not express criticism of Eisenhower in personal terms	40	52
Total	100%	100%
Expressed endorsement of Eisenhower in personal terms	72%	68%
Did not express endorsement of Eisenhower in personal terms	28	32
Total	100%	100%
Expressed criticism of Stevenson in personal terms	37%	43%
Did not express criticism of Stevenson in personal terms	63	57
Total	100%	100%
Expressed endorsement of Stevenson in personal terms	58%	56%
Did not express endorsement of Stevenson in personal terms	42	44
Total	100%	100%

Another possible interpretation is that while the equalitarian is capable of neutral and detached attitudes toward political leaders, the authoritarian tends to see competing leaders in black and white terms, endorsing one and criticizing the other.

A third interpretation, based upon the theory of the origin of authoritarianism, is that each group sees the political leader as a father image modeled after his own father, the authoritarian recalling a father whom it was unsafe to criticize publicly, and the equalitarian remembering a less frightening father, a person about whom one could be objective.

Whatever the correct interpretation, it appears that the factors that led the authoritarians to be uncritical of Eisenhower may have been important in their vote decision. On the other hand, the factors that led the equalitarians to be generous in their praise for Eisenhower were apparently less important in theirs. Expressed in another way regardless of personality, criticism may be a better index of candidate preference than is support of a candidate.

SUMMARY

We have suggested a theory for the part which personality features play in electoral choice, showing the manner in which they affect a man's perception of his economic interests, group memberships, and the stimuli of the media, and the manner in which they shape political responses through certain politically relevant attitudes. Taking the authoritarian syndrome for illustrative purposes, we have shown its influence upon political participation (voluntary "persuasive" activities and voting) in terms of a sense of political efficacy and the effect of multiple group memberships. It was suggested that these two influences had differential effects on equalitarians and authoritarians, often balancing out and leading them to participate politically in approximately equal degree.

In terms of political orientation, it appeared that authoritarians were relatively more Republican in 1952 and that this Republican orientation had increased since 1948 in two ways: a defection from authoritarian (1948) Democrats and an increase of Republican voters from the ranks of authoritarian (1948) non-voters. The Republicanism of the authoritarians was due partly to a greater traditional identification with the Republican party, which in turn could be traced partly to disidentification with the underdog groups seen as allied to the Democratic party. The better-educated authoritarians' position on Korea is in accord with what would be expected of people with this personality characteristic and is in accord with the position of the Republican party; and the same is true of their position on the welfare state. With respect to their candidate orientation, authoritarianism seems to inhibit criticism of General Eisenhower but not to be associated with praise of the General in personal terms. The relationships revealed by the data suggest that the ambiguity of the electoral image of Eisenhower may have led both authoritarians and equalitarians to perceive in him traits congenial to their own respective personality structures.

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BIBLIOGRAPHICAL ARTICLE

METHODOLOGY FOR POLITICAL SCIENTISTS: PERSPECTIVES FOR STUDY*

The term methodology has no generally approved meaning among political scientists. If used by them at all up to a decade or so ago, it was likely to refer only to procedures for collecting and examining data. Today, as one goes forward in a careful search for the foundations of systematic study of political science and realizes how much is involved in that term, uncertainties as to where to start and stop increase. Anyone who has made a serious attempt at such exploration will surely allow a wide discretion to the person who undertakes to prepare a guide to study.

This article presents a list of materials believed to be useful to the political scientist who is starting his exploration of the foundations for systematic study of his subject. It is hoped that the titles are the more significant items in a wide range of literature which (1) places the study of social affairs (social science) in the whole field of scholarly inquiry and knowledge, (2) places the study of political science in the larger field of social science, (3) helps to identify the most significant objectives of inquiry in a variety of subject matter, and (4) gives suggestions as to how problems may be studied.

To explore thoroughly all the questions which arise in these areas of concern would require practically encyclopedic reading in the fields of epistemology, logic, philosophy of science, and scientific method; a substantial acquaintance with the methods and accomplishments of the tougher sciences and the humanities; and, of course, a thorough knowledge of the preoccupations, methods, and accomplishments of the various social sciences. In reporting on this vast literature, we have been guided by certain notions as to what is most important for political scientists to learn. Obviously, we want lessons or insights which will help us in our study of those aspects of groups, institutions, human behavior, and history, designated generally as political. But the central problem of method is the way in which we go about this study. This involves the way in which we perceive and evaluate the phenomena we call the world, the way in which we select a portion of this world for our particular study, and the way in which we determine not so much what problems should be studied as what problems can be studied. These basic conceptions will set the framework within which further methodological problems must be considered—problems of abstraction, significance, tests of validity, and the inter-relationships of empirical data, generalizations, and theory.

With these conceptions of what is involved in methodology, we have listed, first, materials dealing with the broad questions of what is knowledge and belief, what are the methods of knowing, and what appear to be the limits of these methods. These questions are traditionally the subject matter of episte-

* Reprints of this article may be obtained on request to the Curriculum Development Project, Political Science Department, Northwestern University, Evanston, Illinois.

mology, logic, philosophy of science, scientific method, and semantics. A second major group of materials consists of books on the emergence and development of science. One finds here the best account of the growth of scientific method from its crude beginnings. Furthermore, the examination of actual cases of scientific inquiry coupled with the generalizations about method, which constitute the philosophy of science, should give students of social affairs a clearer idea of the applicability or nonapplicability of particular types of scientific method to their inquiry. In this category we have placed some readings from biology, believing that the methodological problems of the life sciences are closely related to those of the social sciences. The life sciences are still largely in the descriptive stage, deal with units which are animate, and investigate and explain behavior which is in some measure comparable to that of human beings. Third are some items dealing with the relation of the social structure and prevailing belief systems to the development of scientific method and knowledge in general. These materials have been included because of the belief that understanding of this relationship will throw light on the common contention that social science is of necessity "culture-bound." The fourth category of materials cited consists of literature on scope and method in the social sciences. Here appear items dealing with the history of social science, literature on method in the social sciences in general, and discussions of whether social study is or can be scientific. The fifth and final category includes materials on scope and method in political science. It may seem that a bibliographical article on methodology for political science should get down to these materials much earlier. These have been put last because of a conviction that political science has yet to develop a unique method, and a belief that knowledge of the problems of other disciplines is essential if we are to pursue this question of method to fruitful ends.

I. THE PROBLEM OF KNOWLEDGE

For one who is unfamilar with epistemology, some of the more elementary texts in philosophy provide good starting points. One of the best is Lewis W. Beck, *Philosophic Inquiry: An Introduction to Philosophy* (Prentice-Hall, New York, 1952). Other basic texts are Durant Drake, *Invitation to Philosophy* (Houghton-Mifflin, New York, 1933), and G. W. Cunningham, *Problems of Philosophy* (Holt, New York, 1924). Not quite as elementary and giving greater attention to problems which will interest social scientists are Harold Benjamin, *An Introduction to Human Problems* (Houghton-Mifflin, Boston, 1930); W. H. Werkmeister, *The Basis and Structure of Knowledge* (Harper, New York, 1948); C. West Churchman and R. L. Ackoff, *Methods of Inquiry: An Introduction to Philosophy and Scientific Method* (Educational Publishers, St. Louis, 1950). The last work presents main points of view and arguments concerning rationalism, empiricism, positivism, and logical-positivism by means of excerpts from such writers as Plato, Aquinas, Descartes, Leibniz, Locke, and Hume. A more advanced discussion is given in Morris R. Cohen, *Reason and Nature: An Essay on the Meaning of Scientific Method*

(Harcourt, Brace, New York, 2nd ed. 1953). Many people think this is the best treatment to date on supposition, belief, and knowledge. Also concerned with the problem of knowledge is Arthur F. Bentley and John Dewey, *Knowing and the Known* (Beacon, Boston, 1949), which may be of special interest to political scientists because of Bentley's earlier work, *The Process of Government* (University of Chicago Press, Chicago, 1908, reprinted by Principia Press, Bloomington, Indiana, 1949). *Knowing and the Known* is reviewed by C. W. Churchman and T. A. Cowan in "Discussion of Dewey and Bentleys' Postulations," *Journal of Philosophy*, Vol. 43, pp. 217–19 (April 11, 1946). Somewhat different in their approach because of a de-emphasis of scientific method are Arthur Murphy, *The Uses of Reason* (Macmillan, New York, 1943); N. O. Lossky, *The Intuitive Basis of Knowledge* (Macmillan, London, 1919); and C. I. Lewis, *An Analysis of Knowledge and Valuation* (Open Court, La Salle, Illinois, 1947).

One might argue that a limited amount of reading from some of the books just cited is sufficient attention to the philosophic aspects of method for political scientists, at least if supplemented by such a systematic work as Morris Cohen and Ernest Nagel, *Introduction to Logic and Scientific Method* (Harcourt, Brace, New York, 1934). Avery Leiserson, for example, in his excellent article, "Problems of Methodology in Political Research," *Political Science Quarterly*, Vol. 68, pp. 558–84 (Dec., 1953), says "The preponderant weight of distinguished thought on the subject warns of the slight gains to be derived from reading or talking about method in general, or from evaluating the belief-postulates of conflicting logical or philosophical schools." We are unable to agree with him and have proceeded on the assumption that it will be helpful to the political scientist to look into the material on the philosophical schools of thought and on method in general so that he may be more articulate about his own belief postulates and more aware of their bearing on his methods of study and research. In the following materials, which are only a sample of the literature, the analyses of the assumptions necessary for the ordering of data and of the methods by which knowledge is gained and accumulated are worthy of our attention as political scientists.

Practically any of the numerous works of John Dewey or William James will give the pragmatist background which has been so influential in the philosophy of science and in the social sciences. James, *Pragmatism* (Longmans, Green, New York, 1907), and Dewey, *How We Think* (Heath, Boston, 1910) are representative. Charles W. Morris, *Logical Positivism, Pragmatism, and Scientific Empiricism* (Hermann, Paris, 1937) is a penetrating analysis of these schools of thought. Bertrand Russell is another philosopher whose writings cover the whole range of the problems of inquiry. His *Human Knowledge: Its Scope and Limits* (Simon and Schuster, New York, 1948) and *The Scientific Outlook* (Norton, New York, 1931) are perhaps most applicable here. Henri Poincaré, *Foundations of Science* (Science Press, New York, 1913), Ernst Mach, *The Science of Mechanics* (Open Court, La Salle, Illinois, 1902), and Karl Pearson, *Grammar of Science* (Dent, London, 1937) represent probably the extreme of the logico-empirical

approach. Of the three, *Grammar of Science* is the most easily read. Hans Reichenbach, *The Rise of Scientific Philosophy* (University of California Press, Berkeley, 1951), and *Experience and Prediction* (University of Chicago Press, Chicago, 1938), are extremely stimulating books; the former is recommended for the beginner.

Although some of his theses are controversial, several of the books of F. S. C. Northrop are stimulating. His *Science and First Principles* (Macmillan, New York, 1931) is interesting, but his view of conceptualization developed in *The Logic of the Sciences and the Humanities* (Macmillan, New York, 1947) seems most applicable to the problem of concepts in the social sciences. Rudolph Carnap, *The Unity of Science* (Paul, Trench and Trubner, London, 1934), is a tightly constructed argument for the underlying unity of all subjects of study and for the applicability of the scientific method to all. David L. Miller discusses "The Unity of Science Movement" in the *Southwestern Social Science Quarterly*, Vol. 26, pp. 252–59 (Dec., 1945). Henri Poincaré, *Science and Method* (Nelson, New York, 1914), Abraham Wolf, *The Essentials of Scientific Method* (Allen and Unwin, London, 2nd ed., 1928) and A. D. Ritchie, *The Scientific Method* (Harcourt, Brace, New York, 1923) are all excellent, thorough treatises on the nature of scientific method with particular reference to the natural sciences.

All of the materials cited above can be read with a minimum of knowledge of the physical sciences. Some of the writing on philosophy of science, particularly the philosophy of modern physics, is less easily mastered, but must be read for the most sophisticated thinking on method and the problem of knowledge. For those who wish to explore this more difficult literature, the following seem representative: P. W. Bridgman, *The Logic of Modern Physics* (Macmillan, New York, 1927); A. S. Eddington, *The Philosophy of Physical Science* (The University Press, Cambridge, Eng., 1939); Philipp Frank, *Modern Science and Its Philosophy* (Harvard University Press, Cambridge, Mass., 1949); Max Planck, *The Philosophy of Physics* (Norton, New York, 1936) and *Where Is Science Going?* (Norton, New York, 1932). Alfred North Whitehead, *Science and the Modern World* (Macmillan, New York, 1925), provides a good foundation, not only for the understanding of the development of science, but also of the organismic concept which appears to be of increasing importance in both physics and philosophy, serving to bring closer together the natural sciences and the life sciences. Some other volumes which should be mentioned here are Norman Campbell, *What Is Science?* (Dover Publications, Inc., New York, 1952); W. H. Werkmeister, *A Philosophy of Science* (Harper, New York, 1940); A. G. Ramsperger, *Philosophies of Science* (Crofts, New York, 1942); and Philip Wiener, ed., *Readings in the Philosophy of Science* (Scribner, New York, 1953); Herbert Feigl and May Broodbeck, *Readings in the Philosophy of Science* (Appleton-Century-Crofts, Inc., New York, 1953).

The *International Encyclopedia of Unified Science* (University of Chicago Press, Chicago, 1938) has a number of significant essays on method. Vol. 1, No. 1 contains several short items, three of which are especially clear state-

ments—one on the importance of logic both in the deductive and empirical sciences (by Bertrand Russell), one on science as a body of ordered knowledge (by Rudolph Carnap), and one on scientific empiricism (by Charles W. Morris). Numbers 2 through 8 in the same volume provide short treatments of some quite technical subjects, as follows: Charles W. Morris, *Foundations of the Theory of Signs;* Rudolph Carnap, *Foundations of Logic and Mathematics;* Leonard Bloomfield, *Linguistic Aspects of Science;* Victor F. Lenzen, *Procedures of Empirical Science;* Ernest Nagel, *Principles of the Theory of Probability;* Philipp Frank, *Foundations of Physics;* and E. Finlay-Freundlich, *Cosmology.*

There are several publications which have many excellent articles bearing on the kind of methodological problems discussed above. Some articles in these journals which may be especially useful are: Lewis W. Beck, "The Distinctive Traits of an Empirical Method," *Journal of Philosophy*, Vol. 44, pp. 337–44 (June 19, 1947); John Hospers, "On Explanation," *Journal of Philosophy*, Vol. 43, pp. 337–56 (June 20, 1946); L. O. Kattsoff, "Observation and Interpretation in Science," *Philosophical Review*, Vol. 56, pp. 682–89 (Nov., 1947); David L. Miller, "Explanation vs. Description," *Philosophical Review*, Vol. 56, pp. 306–12 (May, 1947); Rudolph Carnap, "Testability and Meaning," *Philosophy of Science*, Vol. 3, pp. 420–71 (Oct., 1936), and Vol. 4, pp. 1–40 (Jan., 1937); and Alfred Scheutz, "On Multiple Realities," *Philosophy and Phenomenological Research*, Vol. 5, pp. 533–75 (June, 1945).

Also included in the discussions of scientific method are analyses of the limitations of science—acknowledgements of the kinds of questions scientific method does not answer. There is a wide variety of literature of this type. The best of it appears to be that written by men who are thoroughly familiar with scientific method and the accomplishments of the natural sciences. A very good and readable little book is James Conant's *Modern Science and Modern Man* (Columbia University Press, New York, 1952). Two other books on the popular level which emphasize the relation of science to the problems of human conduct are Max Otto, *Science and the Moral Life* (Mentor Books, New York, 1949), and Arthur Compton, *The Human Meaning of Science* (University of North Carolina Press, Chapel Hill, 1940). The latter's discussion of human freedom in a world of laws of nature is more or less a condensation of his earlier work, *The Freedom of Man* (Yale University Press, New Haven, 1935). Helpful also among books of this type are Norman Campbell, *What is Science?* (previously cited); D. W. Hill, *Science* (Chemical Publishing Co., New York, 1946); and F. Sherwood Taylor, *Concerning Science* (Macdonald, London, 1949). Two much longer treatises are Louis T. More, *The Limitations of Science* (Holt, New York, 1915), and J. W. N. Sullivan, *The Limitations of Science* (Viking, New York, 1933). Fernand Renoirte, *Cosmology: Elements of a Critique of the Sciences and Cosmology* (Trans. from the 2nd ed., Wagner, New York, 1950), written from the Thomist point of view, is another excellent book whose main point is that science describes (measures) but does not explain the nature of reality. A view of the limitations of science by one of the greatest contributors to scientific advance is Max Planck, *Where is Science Going?* (cited above). An older but

useful book is Henri Bergson, *An Introduction to Metaphysics*, tr. by T. E. Hulme (Putnam, New York and London, 1912).

For briefer, more compact consideration of what can be done and what apparently cannot be done by scientific inquiry, one may turn to appropriate chapters in several of the more inclusive books mentioned previously. Best references include Werkmeister's *Philosophy of Science*, Drake's *Invitation to Philosophy*, Benjamin's *Introduction to Human Problems*, Beck's *Philosophic Inquiry*, and Campbell's *What Is Science?* Campbell, for example, concludes his description (and definition) of scientific method by saying that science must exclude judgments on which differences are irreconcilable, that science cannot guide choice of ends, and that proof that an end is desirable lies outside of science.

In addition to the fields of philosophy already mentioned, the writings about semantics should be of particular interest to political scientists because of their struggle with definitions and meanings of terms. A good introductory text in semantics is Irving Lee, *Language Habits in Human Affairs* (Harper, New York, 1941). A fair sampling of the more technical writings on the problems involved in language and meaning includes: A. J. Ayer, *Language, Truth and Logic*, (Gollancz, London, 1936); Rudolph Carnap, *The Logical Syntax of Language* (Paul, Trench, and Trubner, London, 1937); S. I. Hayakawa, *Language in Thought and Action* (Harcourt, Brace, New York, 1949); Charles W. Morris, *Signs, Language, and Behavior* (Prentice-Hall, New York, 1946); and Anatol Rapoport, *Science and the Goals of Man* (Harper, New York, 1950).

II. HISTORY OF SCIENCE

The literature cited in the preceding section was put first in this article because it is addressed in part to the broadest questions about how knowledge is acquired. It therefore comes first in a logical ordering of the literature relating to methodology for any discipline. But literature which strikes directly at the foundations, dealing as it must with the highest level of abstractions, is probably not the best place for the beginner to start his study. He is less likely to flounder if he starts his reading with the history of science, and what he learns from this reading will help him move more readily into the tougher items dealing with epistemology or philosophy of science. It may be added that scientific inquiry seems always to be a few steps ahead of the literature which explains where science stands in relation to other expressions of intellectual effort. A good account of the emergence and development of those sciences which have made the most notable achievements puts the spotlight on the very events which challenged the epistemologists to produce much of the analysis and explanation cited in the foregoing paragraphs.

There are several good histories of science. Among the more general surveys, perhaps the best from the social scientist's point of view is William P. D. Wightman, *The Growth of Scientific Ideas* (Yale University Press, New Haven, 1951). It traces the concepts of matter and motion, nature and life as challenges to observation and thought from the earliest Greeks to the present day. George Sarton, *Introduction to the History of Science* (Carnegie Institute of Washington,

Wilkens, Baltimore, 1927), is an authoritative account of early science, but may be more exhaustive than is required for one interested primarily in the development of method. Also somewhat encyclopedic, with attention to names and chronology obscuring the development of method but a good reference work nonetheless, is William Cecil Dampier, *History of Science* (Macmillan, New York, 1949). Charles Singer's *A Short History of Science to the 19th Century* (Clarendon Press, Oxford, 1941) is a well-balanced description of the development of science from earliest times to the end of the 19th century.

One aspect of study by the historians of science is the effect of the prevailing belief system on the selection of problems for study and the way in which investigation proceeds. This is a major object of attention in many of the studies of particular stages in the development of science. Especially valuable in this regard are A. C. Crombie, *Augustine to Galileo* (Falcon Educational Books, London, 1952); Herbert Butterfield, *The Origins of Modern Science*, 1300–1800 (Macmillan, New York, 1951); Johann Heiberg, *Mathematics and Physical Science in Classical Antiquity* (Oxford University Press, London, 1922); Charles Haskins, *Studies in the History of Medieval Science* (Harvard University Press, Cambridge, Mass., 1924); and Abraham Wolf, *A History of Science, Technology, and Philosophy in the 16th and 17th Centuries* (Allen and Unwin, London, 1935), and *A History of Science, Technology, and Philosophy in the 18th Century* (Macmillan, New York, 1939).

If one is willing to pursue the historical approach beyond the reading of one or two of the foregoing works, he can hardly do better than tackle an account of a particular crucial experiment or of how one arrived at a particular crucial theory. Among such accounts, one which was prepared by the man who had the experience or performed the feat is likely to be most illuminating. Especially recommended are William Harvey, *Anatomical Studies of the Motion of the Heart and Blood* (various editions); Karl von Frisch, *Bees: Their Vision, Chemical Senses, and Language* (various editions); *Robert Boyle's Experiments in Pneumatics*, ed. James Conant (Harvard University Press, Cambridge, Mass., 1950); *Three Copernican Treatises*, ed. Edward Rosen (Columbia University Press, New York, 1939); *Benjamin Franklin's Experiments*, ed. I. Bernard Cohen (Harvard University Press, Cambridge, Mass., 1941); and Galileo, *Dialogues Concerning Two New Sciences* (Northwestern University, Evanston, 1946). Also of interest because of the revolutionary effect of his contributions on physics and philosophy are some of the writings of Albert Einstein. His *Relativity: The Special and General Theory, a Popular Exposition* (Methuen, London, 3d ed., 1920) shows the tremendous quality of Einstein's mind without extensive reliance on mathematics.

Although they lack the flavor and much of the value of the original or autobiographical accounts, analyses by later writers may have the advantage of relating the crucial cases to one another and to great developments in history. Written for the nonscientist and illuminating just such relationships and significances are two books by James Conant: *Understanding Science* (Yale University Press, New Haven, 1947); and *Case Histories in Experimental Science* (Harvard University Press, Cambridge, Mass., 1948). Also very interesting,

particularly because it highlights the role of the imagined or idealized experiment in a theoretical break-through, is Leopold Infeld, *Albert Einstein: His Work and Its Influence on Our World* (Scribner, New York, 1950).

Political scientists can profit especially from study of the problems and experiences of the life sciences, for of the disciplines that set models for us in application of scientific method, the life sciences encounter problems most akin to those which confront the social scientist. The biologists have been especially attentive to problems of method and have produced a considerable amount of literature which the political scientist can read with a minimum of stumbling over strange vocabulary. A good place to begin is with E. Nordenskiold, *The History of Biology* (Knopf, New York, 1928), which is a detailed study. Charles Singer, *A History of Biology* (Schuman, New York, rev. ed., 1950) is shorter but still informative on main points of interest to social scientists. Charles Darwin, *A Naturalist's Voyage or the Diary of the Voyage of the HMS Beagle* (various editions) and his more famous *Origin of the Species* (also various editions) will especially repay reading, for Darwin was painstakingly articulate about how he went about his work. J. H. Woodger writes in easy, attractive style in *Biological Principles: A Critical Study* (Harcourt, Brace, New York, 1929), a book which could just as well have been referred to earlier in this article, since over half of the volume is devoted to a discussion of the general problem of theory of knowledge and the nature of scientific method. His *The Axiomatic Method in Biology* (The University Press, Cambridge, England, 1937) and *Biology and Language* (The University Press, Cambridge, England, 1952) are much more difficult, since they introduce applications of symbolic logic.

Finally, we may note a bloc of writings produced by the biologists which ought to challenge the attention of political scientists who consider themselves most sophisticated in methodology. This literature explores the most basic issues in the formation and testing of theories about the nature of life, the mechanism-vitalism controversy being illustrative. For such high-level discussion the following are suggested: Ludwig Bertalanffy, *Modern Theories of Development: An Introduction to Theoretical Biology* (Oxford University Press, New York, 1933) and *The Problems of Life* (Watts, London, 1952); Mary S. MacDougall, *Biology: The Science of Life* (McGraw-Hill, New York, 1943); Emmanuel Radl, *The History of Biological Theories* (Oxford University Press, London, 1930); S. J. Holmes, *Organic Form and Related Biological Problems* (University of California Press, Berkeley, 1948); and W. M. Wheeler, *Essays in Philosophic Biology* (Harvard University Press, Cambridge, Mass., 1939).

III. SOCIOLOGY OF KNOWLEDGE

Prevailing belief systems, dominant views about the ultimate nature of the world, predominant technologies, and the like are the center of concern in a growing body of literature commonly labelled sociology of knowledge. These matters are important for three reasons. First, concern about them permeates much of the more recent literature at the boundaries of political science, especially that produced by students of philosophy and sociology. Second, the kind of analysis which we term sociology of knowledge has had a profound effect on

recent writing about values, whether by philosophers or by social scientists. Third, examination of relationships among social structure, belief systems, behavior patterns, and similar matters provides explanation of and helps us to evaluate some of the methods of establishing beliefs which are contrary to those described in the literature cited above.

Since writings of this type have recently received much attention from political scientists, only a few items of first importance will be cited. Karl Mannheim, *Ideology and Utopia; An Introduction to the Sociology of Knowledge* (Harcourt, Brace, New York, 1936), especially Chapter V, and *Essays in the Sociology of Knowledge* (Oxford University Press, New York, 1952) bid fair to become classics. Critiques of Mannheim's theory of knowledge are Jacques Maquet, *The Sociology of Knowledge; A Critical Analysis of the Systems of Karl Mannhein and Pitirim A. Sorokin*, tr. by John F. Locke (Beacon, Boston, 1951); and Frank E. Hartung, "Problems of the Sociology of Knowledge," *Philosophy of Science*, Vol. 19, pp. 17–32 (Jan., 1952). Studies which show the interrelationships of the physical sciences and society, suggesting that it is not only the social sciences which must consider the effect of the prevailing belief and social systems on theory and research, are J. D. Bernal, *The Social Function of Science* (Routledge, London, 1939); G. N. Clark, *Science and Social Welfare in the Age of Newton* (Clarendon, Oxford, Eng., 2nd ed., 1949); J. G. Crowther, *The Social Relations of Science* (Macmillan, New York, 1941); Hyman Levy, *The Universe of Science* (Watts, London, 1932); and Robert Merton, "Studies in the Sociology of Science" in his *Social Theory and Social Structure* (Free Press, Glencoe, Illinois, 1949), pp. 289–363.

IV. METHODS IN SOCIAL SCIENCE

The materials which have been presented up to this point relate to questions of methodology for all branches of scholarly effort. They are not confined to questions raised by social scientists. Unfortunately, few if any of the writings addressed specifically to method in the social sciences compare in depth of insight or quality of reasoning with the best of the materials previously discussed. This is no doubt due to the fact that the attempt to apply scientific method to social problems is still in a relatively early stage. It should be noted, however, that many practicing social scientists express great hope that by taking time out to examine questions of methodology the period of fumbling and stumbling can be appreciably shortened. This suggests that we may see soon a considerable body of sophisticated writing about the special problems of social science equal in quality to the best material on methodology in other areas.

It is most difficult to make an orderly arrangement of the literature on method in the social sciences. Much of the writing which discusses scope and method, whether for social science as a whole or for political science in particular, is of an undergraduate textbook nature, much of it is purely polemic, and the best of it appears as introductory chapters or appendices to books concerned mainly with research techniques or with analysis of research findings. On the other hand, much of what can properly be regarded as methodological in political science literature is implicit rather than explicit. It can be given its proper place

in a bibliographical article on method only after subjection to considerable preliminary analysis.

A good way to begin one's acquaintance with the problems of method in the social sciences is to review the history of their development. An inclusive book on this subject is *The History and Prospects of the Social Sciences*, ed. Harry Elmer Barnes (Knopf, New York, 1925). Another book whose main interest is the history of social theory, rather than the development of particular social sciences, is Floyd N. House, *The Range of Social Theory: A Survey of the Development, Literature, Tendencies, and Fundamental Problems of the Social Sciences* (Holt, New York, 1929). More limited in its coverage, but an excellent account, is Florian Znaniecki, *The Cultural Sciences, Their Origin and Development* (University of Illinois Press, Urbana, 1952). Covering shorter periods of time are Edward C. Hayes, *Recent Developments in the Social Sciences* (Lippincott, Philadelphia, 1927); and *Eleven Twenty-Six: A Decade of Social Science*, ed. Louis Wirth (University of Chicago Press, Chicago, 1940). A book which surveys the field and fields of social science is *The Social Sciences and Their Inter-relations*, eds. W. F. Ogburn and Alexander Goldenweiser (Houghton Mifflin, New York, 1927). Another book is the compilation edited by Wilson Gee, *Research in the Social Sciences: Its Fundamental Methods and Objectives* (Macmillan, New York, 1929), a collection of essays on the scope and emphasis of sociology, economics, anthropology, jurisprudence, etc. A very stimulating little volume, giving British points of view, is *The Social Sciences: Their Relation in Theory and Teaching* (Le Play House, London, 1936).

These materials, largely on the scope of the social sciences, for the most part avoid the question which is central to this article: what are the methods of inquiry by which knowledge may be advanced? Many of the more general works on method cited earlier have chapters on the subject of the social sciences. Benjamin's *An Introduction to Human Problems*, Beck's *Philosophic Inquiry*, Cohen's *Reason and Nature*, Northrop's *The Logic of the Sciences and the Humanities*, Wiener's *Readings in the Philosophy of Science*, and Feigl and Broodbeck's *Readings in the Philosophy of Science* all have excellent discussions of scientific method in the social sciences. Bernard Barber, *Science and the Social Order* (Free Press, Glencoe, Illinois, 1952) also has a chapter on the nature and prospects of the social sciences. Another volume is the Brookings Institution's *Essays on Research in the Social Sciences* (Washington, D. C., 1931). This book has a very good introductory essay by W. F. G. Swann on "What Is Science?" followed by one essay which claims that the scientific methods employed by physical scientists are also applicable to social problems and by another which argues that such methods are not applicable, at least in political science.

The argument about the applicability and usefulness of scientific method for meaningful study of social phenomena has developed in such a way that the burden of proof seems to have been put on those who take the side of science. Those who believe either that the important social problems are of a type that science is not designed to tackle, or that complexities of human behavior defy application of the techniques of science, seldom set forth alternatives to scientific method that promise to bring us understanding. In general, the best of the

"anti-science" literature is critique of scientism rather than consideration of how fruitful study can be undertaken. On the other hand, although some of the "pro-science" writings are only analytical, explanatory, or argumentative, many others attempt to show how scientific method can be used effectively in examining particular problems and in illuminating great areas of scholarly concern.

One of the most thorough critiques of the view that natural science models can be used in the study of social processes, is F. A. Hayek, *The Counter-Revolution of Science: Studies on the Abuse of Reason* (Free Press, Glencoe, Illinois, 1952). Other books which also argue that natural science models are inappropriate in social study are Charles A. Beard, *The Nature of the Social Sciences in Relation to Objectives of Instruction* (Scribner, New York, 1934), and A. H. Hobbs, *Social Problems and Scientism* (Stackpole, Harrisburg, 1953).

More concerned with the consequences of some of the metaphysics of scientific method, particularly Cartesian dualism, on our view of man's place in the universe and of the validity of ethical judgments are such books as John D. Bernal, *The Freedom of Necessity* (Routledge and Paul, London, 1949); Lyman Bryson, *Science and Freedom* (Columbia University Press, New York, 1947); John A. Hobson, *Free Thought in the Social Sciences* (Allen and Unwin, London, 1926); Frank H. Knight, *Freedom and Reform* (Harper, New York, 1947); Michael Polanyi, *The Logic of Liberty* (Routledge and Paul, London, 1951); Howard Becker, *Through Values to Social Interpretation* (Duke University Press, Durham, 1950); and, of course, Robert S. Lynd, *Knowledge for What?* (Princeton University Press, Princeton, 1939).

In turning to the materials which either argue for the use of scientific method in the social sciences or attempt to show how it may be used, one should note, first a bibliography published some years ago listing many of the books cited in this article: Dorothy Campbell Tompkins, *Methodology of Social Science Research: A Bibliography* (University of California Press, Berkeley, 1936). Stuart Chase, *The Proper Study of Mankind* (Harper, New York, 1948), is a popularly written plea for the use of scientific method in social study, while Barbara Wooton, *Testament for Social Science* (Norton, New York, 1950), is a shorter argument of the same sort. Reinhard Bendix, *Social Science and the Distrust of Reason* (University of California Press, Berkeley, 1951), is a reply to the anti-scientism arguments. George Lundberg, *Social Research* (Longmans, Green, New York, 1929) and *Can Science Save Us?* (Longmans, Green, New York, 1947), perhaps represent the extreme of optimism in regard to the possibilities of scientific method in the social sciences. Lundberg argues that there is no essential difference between the data of the physical sciences and the data of the social sciences, and contends that if the social sciences develop efficient techniques of quantification, abstraction, and generalization, they, too, can be predictive sciences. Otto Neurath, *Foundations of the Social Sciences*, in *International Encyclopedia of Unified Science*, Vol. 2, No. 1, is also based on an assumption of identity of method in all the sciences. It is, however, less hortatory and much more closely reasoned. An excellent book which attempts more consistently to relate the general concepts and techniques of scientific method to the

special problems of the social sciences is Felix Kaufmann, *Methodology of the Social Sciences* (Oxford University Press, New York, 1944).

Some of the earlier materials on scientific method in social science, when compared with more recent methodological writings, are interesting for the insight they give into the changing concepts of and attitudes toward methodology. Of these older books, one of the best is *Methods in Social Science: A Case Book*, ed. Stuart A. Rice (University of Chicago Press, Chicago, 1931). This book covers a broad range of topics including economic utility theory, the contributions of Pareto and Summer, Turner's theory of the American frontier, the comparative method of James Bryce, and statistical methods. The book is carefully indexed by methodological principle, by academic discipline, by author whose work is analyzed, and by contributor to the volume. Other items are F. A. Ogg, *Research in the Humanistic and Social Sciences* (Crofts, New York, 1928); Howard Odum and Katherine Jocher, *An Introduction to Social Research* (Holt, New York, 1929); L. D. White, *The New Social Science* (University of Chicago Press, Chicago, 1930); Sidney and Beatrice Webb, *Method of Social Study* (Longmans, Green, New York, 1932); and C. Luther Fry, *The Technique of Social Investigation* (Harper, New York, 1934).

Some of the best discussions of method in the social sciences today occur as parts of books dealing mostly with research techniques. Illustrative are Russell L. Ackoff, *The Design of Social Research* (University of Chicago Press, Chicago, 1953); Pauline Young, *Scientific Social Surveys and Research* (Prentice-Hall, New York, 2nd ed., 1949); John Madge, *The Tools of Social Science* (Longmans, Green, New York, 1953); and Arnold M. Rose, *Theory and Method in the Social Sciences* (University of Minnesota Press, Minneapolis, 1954). Particularly good is William J. Goode and Paul K. Hatt, *Methods in Social Research* (McGraw-Hill, New York, 1952), which contains an excellent though brief discussion of the meaning and use of theory, concepts, and the like. Also very good, especially for the student beginning his study of method, is Wilson Gee, *Social Science Research Methods* (Crofts, New York, 1950). Gee has selected and organized materials from many authors covering such topics as what social science is, the meaning of research, the scientific method, and the logical, case, statistical, historical, and experimental methods. Slanted more toward particular social sciences but with methodological concepts which have a wider application are Marie Jahoda, Morton Deutsch, and Stuart W. Cook, *Research Methods in Social Relations* (Dryden, New York, 1951); *Research Methods in the Behavioral Sciences*, eds., Leon Festinger and Daniel Katz (Dryden, New York, 1953); F. Stuart Chapin, *Experimental Designs in Sociological Research* (Harper, New York, 1947); Ernest Greenwood, *Experimental Sociology: A Study in Method* (Kings Crown, New York, 1945); and Muzafer Sherif and M. O. Wilson, *Group Relations at the Crossroads* (Harper, New York, 1953).

There are also many articles in the journals and shorter works which add significantly to what can be found in the books cited. Some of these are Joseph Mayer, "Social Science Methodology," *Journal of Social Philosophy*, Vol. 1, pp. 364–81 (July, 1936); Alexander Goldenweiser, "Nature and Tasks of the

Social Sciences," *Journal of Social Philosophy*, Vol. 2, pp. 5–34 (Oct., 1936); A. R. Radcliffe-Brown, "On the Concept of Function in Social Science," *American Anthropologist*, Vol. 37, pp. 394–402 (July–Sept., 1935); Felix Kaufmann, "The Significance of Methodology for the Social Sciences," *Social Research*, Vol. 5, pp. 442–63 (Nov., 1938), and Vol. 6, pp. 537–55 (Nov., 1939); Arnold Rose, "Generalizations in the Social Sciences," *American Journal of Sociology*, Vol. 59, pp. 49–56 (July, 1953); Frank Lorimer, "The Differentiations of Logical Levels in Social Inquiry," *American Sociological Review*, Vol. 12, pp. 507–13 (Oct., 1947); N. S. Timasheff, "Definitions in the Social Sciences," *American Journal of Sociology*, Vol. 53, pp. 201–09 (Nov., 1947); Karl W. Deutsch, "Mechanism, Organism, and Society: Some Models in Natural and Social Science," *Philosophy of Science*, Vol. 18, pp. 230–52 (July, 1951); George Lundberg, "Scientific Method and Social Phenomena," *Sociology and Social Research*, Vol. 34, pp. 3–12 (Sept.–Oct., 1949); Earl E. Muntz, "Rational Selection in the Social Sciences," *Social Forces*, Vol. 21, pp. 159–64 (Dec., 1942); and Marion Levy, "Some Basic Methodological Difficulties in Social Science," *Philosophy of Science*, Vol. 17, pp. 287–301 (Oct., 1950). The last is particularly interesting in view of Levy's later publication, *The Structure of Society* (Princeton University Press, Princeton, 1952), which is a highly ambitious general conceptual scheme and theoretical system for comparative analysis of societies, employing a very sophisticated method. Two additional essays of importance for scientific method in social science are Carl Hempel, *Fundamentals of Concept Formation in Empirical Science*, in *International Encyclopedia of Unified Science*, Vol. 2, No. 7, and Ernest Nagel, "Some Problems of Concept and Theory Formation in the Social Sciences," in American Philosophical Association Eastern Division, Vol. 1, *Science, Language, and Human Rights* (University of Pennsylvania Press, Philadelphia, 1952), pp. 43–64.

Although the scientific status of the social sciences is of course, directly or indirectly, argued in the preceding materials, the debate has also been carried on significantly in such articles as the following: Lewis W. Beck, "The Natural Science Ideal in the Social Sciences," *Scientific Monthly*, Vol. 68, pp. 386–94 (June, 1949); George Lundberg, "Alleged Obstacles to Social Science," *Scientific Monthly*, Vol. 70, pp. 299–305 (May, 1950); Felix Kaufmann, "The Nature of Scientific Method," *Social Research*, Vol. 12, pp. 464–80 (Nov., 1945); Kurt Riezler, "Some Critical Remarks on Man's Science of Man," *Social Research*, Vol. 12, pp. 481–505 (Nov., 1945); Eric Voegelin, "The Origins of Scientism," *Social Research*, Vol. 15, pp. 462–93 (Dec., 1948); Chester Alexander, "Is Sociology an Exact Science?" *American Sociological Review*, Vol. 11, pp. 1–5 (Feb., 1946); Robert Redfield, "The Art of Social Science," *American Journal of Sociology*, Vol. 54, pp. 181–90 (Nov., 1948); Jessie Bernard, "The Art of Science: A Reply to Redfield," *American Journal of Sociology*, Vol. 55, pp. 1–9 (July, 1949); A. L. Kroeber, "So-Called Social Science," *Journal of Social Philosophy*, Vol. 1, pp. 317–40 (July, 1936); Ludwig von Mises, "Social Science and Natural Science," *Journal of Social Philosophy*, Vol. 7, pp. 240–53 (April, 1942); Peter A. Carmichael, "Limits of Method," *Journal of Philos-*

ophy, Vol. 45, pp. 141–52 (March 11, 1948); and David Riesman, "Some Observations on Social Science Research," *Antioch Review*, Vol. 11, pp. 259–78 (Sept., 1951).

In many of the arguments against the use of natural science models in social science, values are considered both as crucial complicators in the study of social affairs and as a crucial part of human affairs for which scientific method is inappropriate. On the other hand, those who consider scientific method applicable in social science contend that the observer's values are not an insuperable obstacle to objective research, and that values can themselves be treated as data. Both points of view concerning this problem have been clarified in the journals. Some of the many articles on this subject are as follows: In the *Journal of Social Philosophy* are Horace Fries, "Method in Social Philosophy," Vol. 3, pp. 325–41 (July, 1938); Ralph Barton Perry, "The Moral Norm of Social Science," Vol. 5, pp. 16–28 (Oct., 1939); and R. L. Warren, "The Place of Values in Social Theory," Vol. 7, pp. 223–39 (April, 1942). In other journals are David L. Miller, "Norms, Values, and the Social Sciences," *Southwestern Social Science Quarterly*, Vol. 32, pp. 137–49 (Dec., 1951); Walter Cerf, "Value Decisions," *Philosophy of Science*, Vol. 18, pp. 26–34 (Jan., 1951); D. W. Gottschalk, "Value Science," *ibid.*, Vol. 19, pp. 183–92 (July, 1952); Hornell Hart, "A Reliable Scale of Value Judgments," *American Sociological Review*, Vol. 10, pp. 473–81 (Aug., 1945); Stuart C. Dodd, "On Classifying Human Values," *ibid.*, Vol. 16, pp. 645–53 (Oct., 1951); R. E. Smith, "Value Judgments and the Social Sciences," *Bulletin of American Association of University Professors*, Vol. 35, pp. 628–42 (Winter, 1949); Walter G. O'Donnell, "The Theory of Value in Social Science," *American Journal of Economics and Sociology*, Vol. 10, pp. 333–44 (July, 1951).

A survey of methodology in social science is not complete without noting the writings of Max Weber, which have been so influential in sociology, and which lately have attracted the attention of political scientists as well. Of special interest to students of methodology are *The Theory of Social and Economic Organization*, translated and edited by A. M. Henderson and Talcott Parsons (Oxford University Press, New York, 1947) and *Max Weber on the Methodology of the Social Sciences*, translated and edited by Edward A. Shils and Henry A. Finch (Free Press, Glencoe, Illinois, 1949). Some of Weber's concepts are discussed by Leo Strauss, "The Social Science of Max Weber," *Measure*, Vol. 2, pp. 204–30 (Spring, 1951), and by Edward A. Shils, "Some Remarks on 'The Theory of Social and Economic Organization,'" *Economica*, New Series, Vol. 15 pp. 36–50 (Feb. 1948).

Practically all of the material on method in the social sciences discussed above is written as though there were or could be one and only one method. At a high enough level of abstraction or generalization this may be the case. Still, if we examine research effort and accounts of actual inquiries in particular social sciences, we find differences which are not superficial. The value of this article would be increased by commentary on writings which treat methodological problems special to each of the social sciences, but space is not available for

so extensive an inquiry. The following section cites materials from these disciplines of greatest interest to political scientists.

V. METHODS IN POLITICAL SCIENCE

Before listing materials bearing most directly on the scope and method of political science, some prefatory remarks should be made. First, it is believed that all the literature so far cited is relevant to the methodology of political science. Second, some of the materials listed here as bearing most directly on study of political science are addressed to problems which are in no sense unique to political science. Third, in selecting the materials which follow, no attempt has been made to draw a hard and fast distinction between scope and method. Any attempt to delimit scope usually has either explicit or implicit conceptions of method, and discussion of method inevitably raises, though seldom answers, the question of scope. It may be added that the profession has reached little agreement on either. Finally, it is believed that the student who is concerned with the methodology of his discipline needs to know something of its history, and its areas of concern in times past, as well as today. Consequently, an effort has been made to identify the main interests in the broad range of problems which have preoccupied American political scientists.

There are some histories, surveys, and critiques of our discipline which help one to identify these preoccupations. Two books which will give some understanding of the early development of political science are Frederick Pollock, *An Introduction to the History of the Science of Politics* (Macmillan, London, 1893), and Anna Haddow, *Political Science in American Colleges and Universities, 1636–1900* (Appleton-Century, New York, 1939). In addition there are chapters on political science in Barnes, *History and Prospects of the Social Sciences* (cited above). Of the recent surveys which indicate the range of interests represented in political science teaching and research today, one of the most complete is the UNESCO publication, *Contemporary Political Science: A Survey of Methods, Research, and Teaching* (UNESCO, Paris, 1950). Perhaps the most interesting thing about this document is the light it throws on the diversity of interests, attitudes, and subject matter which are subsumed under the general heading of political science. Much shorter and more selective is William A. Robson, *The University Teaching of Social Sciences: Political Science* (UNESCO, Paris, 1954; distributed by Columbia University Press, New York, reviewed in this issue of this REVIEW pp. 266–67). Two other surveys which attempt an analysis of teaching and research problems in political science, both sponsored by the American Political Science Association, are *Research in Political Science*, ed. Ernest S. Griffith (University of North Carolina Press, Chapel Hill, 1948), and American Political Science Association, *Goals for Political Science* (Sloane, New York, 1951). Problems of teaching and research discussed in the latter are highlighted in the symposium, "Goals for Political Science," this REVIEW, Vol. 45, pp. 996–1024 (Dec., 1951), and they are further discussed in replies and comments on this symposium in this REVIEW Vol. 46, pp. 504–11 (June, 1952). In addition, one should note David Easton's

The Political System: An Inquiry into the State of Political Science (Knopf, New York, 1953), which is a critical analysis of "the state of political science."

There is a widespread tendency to treat political "theory" as the core of the discipline. It would seem that if something called theory is the heart of the study, it should have an integral relationship to the other things studied. Yet what is meant by theory in most of these writings seems to bear little relationship indeed to the greater part of the subject matter which occupies the attention of political scientists. Since this anomaly involves the question of scope, and since the development of theory is an essential part of methodology, something must be said about theory in political science here at the beginning of the discussion of literature on methodology for political science.

The view of political theory which is taken by American political scientists appears to be shaped mainly by two special orientations. First, there is a tendency to look to the great writings as the main repository of theoretic effort. And second, the study of theory is mainly directed to criticism and evaluation of the contributions of other people; there is little effort to make the study of theory an exercise in theory construction. These orientations have been noted by others and made the point of criticism. David Easton in *The Political System* brands the study of political theory as historicism, while Andrew Hacker in "Capital and Carbuncles: The Great Books Reappraised," this REVIEW, Vol. 48, pp. 775–86 (Sept., 1954) indicates that the trouble with the present study of political theory is not so much the content of this theory as the "unquestioning reliance on the 'Great Books' ".

It seems fair to say, also, that the study of political theory has suffered some handicap from a tendency to treat as if they were theory some parts of the great literature which are not theoretical in character. As Professor George H. Sabine points out in the preface to the second edition of *A History of Political Theory* (Holt, New York, rev. ed., 1950), p. ix, ". . . any clear-headed theory of politics requires discrimination between states of fact, causal connections, formal implications, and the values or ends that a policy is designed to achieve. In any political philosophy all these factors are combined, but no combination can alter the fact that they are logically different and that conclusions about them are differently warranted." In his *History*, Sabine attempts to distinguish among these elements, but there is reason to believe that political scientists generally have not kept these important distinctions in mind, with a resulting tendency to label as "theory" the whole package given us by the great writer—causal theory, normative theory, epistemology, empirical data, and techniques for achieving goals.

Other than Easton and Hacker, cited above, there are a few articles in the journals which analyze, criticize, or justify the preoccupations and emphases in study of political theory. An old one is W. W. Willoughby, "Value of Political Philosophy," *Political Science Quarterly*, Vol. 15, pp. 75–95 (March, 1900). More recent ones are Leo Strauss, "On Classical Political Philosophy," *Social Research*, Vol. 12, pp. 98–117 (Feb., 1945); J. Roland Pennock, "Political Science and Political Philosophy," this REVIEW, Vol. 45, pp. 1081–85 (Dec.,

1951); David Easton, "The Decline of Modern Political Theory," *Journal of Politics*, Vol. 13, pp. 35–58 (Feb., 1951); Alfred Cobban, "The Decline of Political Theory," *Political Science Quarterly*, Vol. 68, pp. 321–37 (Sept., 1953); and Mulford Sibley, "Apology for Utopia," *Journal of Politics*, Vol. 2 pp. 57–74, 165–88 (Feb., May, 1940).

Although the study of political theory has long been regarded as the core of political science, it has not been without rivals for the attention of students of the subject. During the early period when political science was first being recognized as an identifiable field of study, it was closely associated with history and with law. But despite their great dependence upon historical and legal materials, American political scientists have made few significant contributions to either historical or legal methodology, except for Charles A. Beard, who was at least as much historian as political scientist. For one of Beard's strongest pleas for pursuing a historical approach to political data see his "Neglected Aspects of Political Science," this REVIEW, Vol. 42, pp. 211–22 (April, 1948). Perhaps the latest expression of his view on method in the study of history is the chapter he contributed to the report of the Committee on Historiography, of which he was chairman, *Theory and Practice in Historical Study* (Social Science Research Council, New York, 1946). Most of the rich literature on historiography is the product of historians, of course. Representative items are Carl Becker, *Everyman His Own Historian* (Crofts, New York, 1935); Allen Johnson, *The Historian and Historical Evidence* (Scribner, New York, 1926); Allan Nevins, *Gateway to History* (Heath, Boston, 1938). Also concerned with the historical approach are V. G. Simkhovitch, "Approaches to History," *Political Science Quarterly*, Vol. 44, pp. 481–97 (Dec., 1929) and Vol. 45, pp. 481–526 (Dec., 1930); E. K. Francis, "History and the Social Sciences: Some Reflections on the Reintegration of Social Sciences," *Review of Politics*, Vol. 13, pp. 354–74 (July, 1951); E. W. Strong, "Criteria of Explanation in History," *Journal of Philosophy*, Vol. 49, pp. 57–67 (Jan. 31, 1952); and a recent study of the Social Science Research Council, *The Social Sciences in Historical Study: A Report of the Committee on Historiography* (New York, 1954).

The kind of historical material which has been most fully explored by political scientists is the government document. Certainly, the techniques for the use of governmental documents have been the standard part of bibliography and methods courses for some time, and this REVIEW devotes several pages of its bibliographical section to the listing of such documents. Despite this tradition of viewing government documents as a principal source material, it is the professional librarian who has been responsible for most of the publications which inventory and evaluate government documents. One of the few political scientists who have worked in this area is Everett Brown. His *Manual of Government Publications, United States and Foreign* (Crofts, New York, 1950) is an excellent short guide to these materials and his bibliography lists all the standard references.

The emphasis on a historical approach in American political science was paralleled by an emphasis on legal aspects of government and politics. As Easton points out in *The Political System*, the nature of the debate on the con-

stitution made constitutional law a natural interest for American political scientists. Then, too, much of what has been classified as political theory can also be classified as legal theory, the whole concept of the modern state being essentially juristic. No doubt the contribution to understanding which the political scientists have made through their legally inclined studies is a rich one. Items of this type are indeed too numerous to list here. But while political scientists have used the legal method, they have contributed little to the analysis and evaluation of that method. Rather, it is the lawyers and teachers of law who have probed into the character and exposed the inadequacies of legal thinking and methods of inquiry. Perhaps Oliver Wendell Holmes, Jr. (later Mr. Justice Holmes) was engaged in such a service in his writing. Certainly Dean Roscoe Pound forced a new look at the nature of law and the study of law in his pioneering articles on sociological jurisprudence.

The so-called realist jurisprudence of the 1920s and 1930s seems to constitute the next major effort to reconsider the nature of law and its study. While political scientists took note of this development and profited from it, they appear to have made little contribution to it other than to summarize occasionally what others had already said. The bibliography of this revisionist movement, including names like Benjamin N. Cardozo, Walter Wheeler Cook, Lon L. Fuller, Karl N. Llewellyn, and Underhill Moore, is too long for citation here. It will suffice to mention Jerome Frank, *Law and the Modern Mind* (Brentano, New York, 1930), which helped give the movement its momentum, and Edward H. Levi, *An Introduction to Legal Reasoning* (University of Chicago Press, Chicago, 1949), which has profited from the rich line of analysis and polemic which preceded it.

There are straws in the wind which indicate that the legal method may be in for drastic further reexamination in the near future. See Ranyard West, *Conscience and Society; a Study of the Psychological Prerequisites of Law and Order* (Emerson Books, New York, 1945); Karl N. Llewellyn, "Law and the Social Sciences, especially Sociology," *Harvard Law Review*, Vol. 62, pp. 1286–1305 (June, 1949); and David Riesman, "Toward an Anthropological Science of Law and the Legal Profession," *American Journal of Sociology*, Vol. 57, pp. 121–35 (Sept., 1951).

While, as it seems to us, political scientists have not done any important writing about the methodology of investigation into the nature of law and its impact on people, they have certainly revealed a concern with identifying the most significant relationships of law to government and politics. This is evidenced in some general inquiries into what we have been doing and ought to be doing. First to be cited is Professor George H. Sabine's article, "Political Science and the Juristic Point of View," this REVIEW, Vol. 22, pp. 553–75 (Aug. 1928). This was followed by Carl B. Swisher's report for the American Political Science Association's panel on Public Law, in this REVIEW, Vol. 40, pp. 552–62 (June, 1946), and in *Research in Political Science*, ed. Ernest S. Griffith (cited above) and G. Lowell Field, "Law as an Objective Political Concept," this REVIEW, Vol. 43, pp. 229–49 (April, 1949).

Easton states that although almost all of early American political science was

legalistic, after the Civil War the discipline became increasingly interested in the description and analysis of the "real" (in contrast with the legal) organization and function of government. This emphasis led in turn to a broader universe—that of politics, the events and organizations and ideas which impinge upon government. This realist or empirico-descriptive period in which we are still caught up has produced a vast literature rich in descriptive detail and explanatory insights but difficult to classify according to methodological considerations. Easton sees the concept of a system in equilibrium as a basic assumption underlying much of this literature. There are undoubtedly many other unexpressed assumptions as well: see Benjamin Lippincott, "The Bias of American Political Science," *Journal of Politics*, Vol. 2, pp. 125–39 (May, 1940).

The lack of elaborate statement about underlying assumptions, guiding conceptualizations, and other methodological considerations cannot conceal the evidence that in recent years there has been both a rapid growth in output of American political scientists which is based on a conscious regard for sound methodological foundations and a steady rise in the sophistication with which methodological demands are met. Neither the essential purpose of this article nor the space allotted for it allow an effort to classify according to methodological considerations the great volume of writing which has emanated from political scientists in recent decades. The following references are included solely to indicate the main types of study by American political scientists which have lately increased in number and which seem to be on soundest methodological foundations.

First, study relying on gross (unrefined) quantitative data enjoys a widespread appeal at present. This procedure has been applied principally to voting by the general electorate, but there are studies of this character relating to legislative personnel, voting in legislative bodies, and other centers of interest in government and politics. It seems safe to say that the first important contribution of this character by an American political scientist was A. Lawrence Lowell's "The Influence of Party on Legislation," *Annual Report of the American Historical Association*, Vol. 1, 1901 (House Doc. 702, 57th Cong., 1st sess., G.P.O., Washington, 1902). Some of the work reported in Stuart A. Rice's now classic *Quantitative Methods in Politics* (Knopf, New York, 1928) falls in this category. It would require a long paragraph merely to list the names of mature scholars who have contributed gross quantitative studies in the quarter-century since Rice presented his. Some of these studies appear to have no purpose except to describe what is or what occurs, but even those students who find the description not important or not convincing may still find it an ordering of evidence which advances their effort to formulate hypotheses which they think will direct analysis to more meaningful results. Other studies result in findings and support generalizations which are generally acknowledged to be rightful claimants to a place in an enduring literature.

A second type of study, difficult to differentiate from the first in specific cases, also relies on quantitative data, but the items of evidence are more precisely defined and more severely judged before acceptance, and the analysis

to which they are subjected is more sophisticated. Some of the study reported in Rice's volume falls in this category. Herman C. Beyle, *Identification and Analysis of Attribute Cluster Blocs* (University of Chicago Press, Chicago, 1931) is another early work. Sociologists and social psychologists undoubtedly have gone a greater distance along this route than the political scientists. No doubt most familiar to political scientists is Paul F. Lazarsfeld, B. Berelson, and H. Gaudet, *The People's Choice* (Duell, Sloan, and Pearce, New York, 1944).

A third type of study which appears to be growing in attractiveness is the intensive examination of a process, event, or series of occurrences. The American Political Science Association made one of its annual awards to Stephen K. Bailey for such an effort, his *Congress Makes a Law* (Columbia University Press, New York, 1950). By no means the first, but an early inquiry of this character, which got widespread attention, was E. E. Schattschneider, *Politics, Pressures, and the Tariff* (Prentice-Hall, New York, 1935). Later notable additions, all centering on the legislative process, include Fred W. Riggs, *Pressures on Congress* (King's Crown Press, New York, 1950); Earl Latham, *The Group Basis of Politics; A Study in Basing Point Legislation* (Cornell University Press, Ithaca, 1952); and Gilbert Y. Steiner, *Legislation by Collective Bargaining: The Agreed Bill in Illinois* (University of Illinois Institute of Labor and Industrial Relations, 1951). This kind of analysis is carried into the administrative process by Harold Stein and his associates in *Public Administration and Policy Development; A Case Book* (Harcourt, Brace, New York, 1952).

Biographical accounts seem worthy of listing as a fourth type of study which is certainly growing in attraction for political scientists and probably advancing in methodological sophistication. Political scientists have examined the personal attributes, belief and value systems, methods and procedures, environmental envelopes, and the achievements and failures of lesser politicians, greater statesmen, administrators, and judges. The findings have appeared in full-length biographies and in brief sketches; some of them have significantly illuminated the dynamics of government and politics. The trend in biographical writing by political scientists recently has been toward an attempt to explain the decisions of an American judge by a study of his character and career. The standards for such writing were set high in two of the first such studies: Carl B. Swisher, *Stephen J. Field, Craftsman of the Law* (Brookings Institution, Washington, 1930), and Charles Fairman, *Mr. Justice Miller and the Supreme Court, 1862–1890* (Harvard University Press, Cambridge, Mass., 1939). Again it must be noted that the political scientists are not in the forefront as respects quantity of output, and it may be that they are not near the front in quality of analysis and evaluation. Biographical writing is mainly a pursuit of historians, journalists with scholarly inclinations, and free lance writers. An objective observer may think the political scientists have quite a way to go before they match, in biography, the illumination of politics and the governmental process which one finds in Beveridge's life of Marshall or Sandburg's Lincoln.

Finally, we should note a fifth type of study, not because it is a well-travelled road but because the road promises to lead to pay dirt. Harold F. Gosnell's *Getting Out the Vote* (University of Chicago Press, Chicago, 1927) appears to

be the only significant experiment yet run by an American political scientist. Teachers of law have since provided us with another: Underhill Moore and C. C. Callahan's report of an experiment in traffic control in "Law and Learning Theory; a Study in Legal Control," *Yale Law Journal*, Vol. 53, pp. 1–136 (Dec., 1943).

The transition of our main attention from the historical-legal approach to what we above called an empirico-descriptive approach was accompanied by some writing about problems of methodology, but there was less of it than one might have expected and in most cases it is not distinguished for penetrating analysis. A heavy emphasis in the writing which appeared is on the possibilities of a science of politics, and one finds in this literature much the same kind of argument we noted above in connection with scientific study of social phenomena in general. Dealing specifically with political science, however, are the following: Woodrow Wilson, "The Law and the Facts," this REVIEW, Vol. 5, pp. 1–11 (Feb., 1911); Stuart Rice, *Quantitative Methods in Politics;* J. A. Fairlie, "Politics and Science," *Scientific Monthly*, Vol. 18, pp. 18–37 (Jan., 1924); Charles Beard, "Time, Technology, and the Creative Spirit in Political Science," this REVIEW, Vol. 21, pp. 1–11 (Feb., 1927); Harold F. Gosnell, "Statisticians and Political Scientists," this REVIEW, Vol. 27, pp. 392–403 (June, 1933); "Reports of the National Conference on the Science of Politics," this REVIEW, Vol. 18, pp. 119–66 (Feb., 1924); "Reports of the Second National Conference on the Science of Politics," this REVIEW, Vol. 19, pp. 104–62 (Feb., 1925); W. B. Munro, "Physics and Politics, An Old Analogy Revised," this REVIEW, Vol. 22, pp. 1–11 (Feb., 1928); E. S. Corwin, "The Democratic Dogma and the Future of Political Science," this REVIEW, Vol. 23, pp. 569–92 (Aug., 1929); and Herman Beyle, "The Data and Method of Political Science," in his *The Identification and Analysis of Attribute Cluster-Blocs*, pp. 174–214. In line with this empirico-descriptive tradition, but with some more sophistication concerning scientific method, are the books cited earlier as dealing with scientific method and research techniques in the social sciences.

For general discussion of the scope of political science there are many articles in the journals, the following ones being illustrative: L. S. Rowe, "Problems of Political Science," *Annals of the American Academy of Political and Social Science*, Vol. 10, pp. 165–86 (Sept., 1897); American Political Science Association Committee on Instruction, *The Teaching of Government* (Macmillan, New York, 1916); Munro Smith, "The Domain of Political Science," *Political Science Quarterly*, Vol. 1, pp. 1–9 (March, 1886); Charles Fairman, "The Estate of Political Science," *Western Political Quarterly*, Vol. 1, pp. 1–15 (March, 1948). In this REVIEW are: C. E. Merriam, "Present State of the Study of Politics," Vol. 15, pp. 173–85 (May, 1921); C. E. Merriam, "Report of the Committee on Political Research," Vol. 17, pp. 275–95 (May, 1923); Thomas Reed, "Report of the Committee on Policy of the American Political Science Association," Vol. 24, Supplement (Feb., 1930); William Anderson, "The Role of Political Science," Vol. 37, pp. 1–17 (Feb., 1943); Joseph E. McLean, "Areas for Postwar Research," Vol. 39, pp. 741–56 (Aug., 1945); Pendleton Herring, "Political Science in the Next Decade," Vol. 39, pp. 757–66 (Aug., 1945);

John Gaus, "Job Analysis of Political Science," Vol. 40, pp. 217–30 (April, 1946); Paul Appleby, "Political Science: The Next 25 Years," Vol. 44, pp. 924–32 (Dec., 1950); Claude E. Hawley and Lewis Dexter, "Political Science Research in American Universities," Vol. 46, pp. 470–85 (June, 1952); Roscoe Martin, "Political Science and Public Administration: A Note on the State of the Union," Vol. 46, pp. 660–76 (Sept., 1952); and Pendleton Herring, "On the Study of Government," Vol. 47, pp. 961–74 (Dec., 1953).

In addition to the general approaches to political analysis which have been discussed in the preceding paragraphs, there are some special aspects of the study of political science which should be mentioned. Although the field of comparative government has been largely devoted to descriptions of foreign systems, recent trends indicate more attention to methodological questions, especially as the field has been widened to include non-western systems. One example of discussion of the problem of comparative analysis is the introductory chapter in *African Political Systems*, eds. M. Fortes and E. E. Evans-Pritchard (Oxford University Press, London, 1940). Recent issues of this REVIEW contain three articles of interest in this connection: Karl Loewenstein, "Report of the Research Panel on Comparative Government," Vol. 38, pp. 540–48 (June, 1944); Report of the Inter-University Seminar on Comparative Politics, "Research in Comparative Politics," Vol. 47, pp. 641–57 (Sept., 1953); and Fred W. Riggs, "Notes on Literature Available for the Study of Comparative Public Administration," Vol. 48, pp. 515–537 (June, 1954).

One should note also some materials on scope and method in the field of international relations. Grayson Kirk, *The Study of International Relations in American Colleges and Universities* (Council on Foreign Relations, New York, 1947); Waldemar Gurian, "The Study of International Relations, *Review of Politics*, Vol. 13, pp. 275–82 (July, 1946); Richard Van Wagenen, *Research in the International Organization Field* (Princeton University Press, Princeton, 1952); Kenneth Thompson, "The Study of International Politics," *Review of Politics*, Vol. 14, pp. 433–67 (Oct., 1952); David F. Cavers, "The Developing Field of International Legal Studies," this REVIEW, Vol. 47, pp. 1058–75 (Dec., 1953); and the UNESCO publication by C. A. W. Manning, *The University Teaching of the Social Sciences: International Relations* (Distributed by Columbia University Press, New York, 1954).

Although the recent emphasis in the methodology of political science has been largely empirico-descriptive, there have been some writings which have sought or advocated a more theoretical approach to the data of political science. These materials are not discussions of techniques of research, but rather are efforts to arrive at orientations or basic assumptions about data or the nature of the problems to be studied. Of these, Arthur Bentley's *The Process of Government* (cited above) appears to be the earliest, and it is interesting to note how little attention was paid by the profession until quite recently to his concepts of "transaction" and "group relation." Apparently, his concept of the group as a significant unit for the study of politics was not an important influence on the pressure group studies of the 20's and 30's. Bentley's importance in a consideration of method in political science seems to us to be two-fold: he has had

an effect on contemporary thinking as to what is the most heuristic frame of reference, and the kind of abstraction which he suggests invites reexamination in comparison with the kinds developed by Catlin, Lasswell, Morgenthau, and recent writers working on the frontiers of political science with concepts heavily influenced by sociology and social psychology. In considering the effect of Bentley's thought on recent political science, one should probably begin with David Truman, *The Governmental Process* (Knopf, New York, 1951), Part 1, and Richard W. Taylor, "Arthur F. Bentley's Political Science," *Western Political Quarterly*, Vol. 5, pp. 214–30 (June, 1952). One should also compare Bentley's writings with Oliver Garceau, "Research in the Political Process," this REVIEW, Vol, 45, pp. 69–85 (March, 1951); Earl Latham, "The Group Basis of Politics: Notes for a Theory," this REVIEW, Vol. 46, pp. 376–97 (June, 1952), and his later more extended analysis in the chapter on method in *The Group Basis of Politics: A Study in Basing Point Legislation* (cited above); Bertram M. Gross, *The Legislative Struggle: A Study in Social Combat* (McGraw-Hill, New York, 1953); Murray S. Stedman, "A Group Interpretation of Politics," *Public Opinion Quarterly*, Vol. 17, pp. 218–29 (Spring, 1953); and Phillip Monypenny, "Political Science and the Study of Groups: Notes to Guide a Research Project," *Western Political Quarterly*, Vol. 7, pp. 183–201 (June, 1954).

A comparison of Bentley's concepts with those of Catlin, Merriam, Lasswell and Morgenthau seems most timely. Easton, in *The Political System*, includes these writers in his analysis of political scientists who have consciously or unconsciously used an equilibrium model in their orientation to politics. Such a model may be implicit in these writers as well as others, but there are also other concepts which are worthy of more detailed study and comparison. Easton's contention that the concepts of Catlin and at least the early Lasswell are broader than the political system is undoubtedly true, but his implication that therefore such frames of reference offer little promise in the study of political science does not necessarily follow. One of the most troublesome problems in political science today is this question of whether there be such things as political data distinct from social data. One reason why this has become a central question is that our search for a methodology seems continually to lead us across precinctual boundaries. In any case, a student of political science should be familiar with these earlier as well as more recent materials on frames of reference for research and analysis. The works of Catlin which merit some attention today are *The Science and Method of Politics* (Knopf, New York, 1927) and *A Study of the Principles of Politics* (Macmillan, New York, 1930). In addition to his comments on Lasswell in *The Political System*, David Easton in "Harold Lasswell, Policy Scientist for a Democratic Society," *Journal of Politics*, Vol. 12, pp. 450–77 (Aug., 1950), makes an excellent analysis of the shift in Lasswell's major premises between his earlier and his later work. Some of the writings of Lasswell which should be examined for their methodological premises are *Psychopathology and Politics* (University of Chicago Press, Chicago, 1930); *Politics: Who Gets What, When, How* (McGraw-Hill, New York, 1936); *The*

Analysis of Political Behavior: An Empirical Approach (Oxford University Press, New York, 1949); and with Abraham Kaplan, *Power and Society* (Yale University Press, New Haven, 1950). *The Policy Sciences: Recent Developments in Scope and Method* (Stanford University Press, Stanford, 1951), which he edited with Daniel Lerner, selects a different universe for orientation—that of the process of policy formation and the kinds of information or knowledge necessary to the formation of policy in a democracy. Lasswell's focus on elites is likewise interesting. For an explanation of this approach, see Harold Lasswell, Daniel Lerner, and C. Easton Rothwell, *The Comparative Study of Elites; Introduction and Bibliography* (Hoover Institute Studies, Stanford University Press, Stanford, 1952).

Along with Lasswell's ideas, particularly his psychological concepts, one may consider the methodological assumptions in Graham Wallas, *Human Nature and Politics* (Knopf, New York, 3rd ed., 1921), and Hans J. Morgenthau, *Scientific Man vs. Power Politics* (University of Chicago Press, Chicago, 1946). In addition there are the works of Charles Merriam, which for the most part are good syntheses of the major trends in political science in the period in which he wrote. His *New Aspects of Politics* (University of Chicago Press, Chicago, 1931); *Political Power* (McGraw-Hill, New York, 1934); and *Systematic Politics* (University of Chicago Press, Chicago, 1945) are representative. If one is interested in exploring further the concept of power, Bertrand Russell, *Power: A New Social Analysis* (Norton, New York, 1938), should not be overlooked. It is Russell's thesis that power is the fundamental concept in the social sciences, as energy is in physics.

Perhaps because of the influence of these writers, perhaps because of a dissatisfaction with the meagre generalizations available after so long a period of empirical data-gathering, or perhaps because of the influence of other social sciences, American political scientists have recently been taking a new look at nearly every aspect of their discipline. Some of the writings of this character have been cited already at various points in this article; Griffith's *Research in Political Science*, the American Political Science Association's *Goals for Political Science*, and Easton's *The Political System* are illustrative. Much of this literature of self-examination tends to emphasize the importance of theory. Other articles which illustrate this emphasis are: Charner Perry, "Semantics of Political Science," this REVIEW, Vol. 44, pp. 394–425 (June, 1950); Oliver Garceau, "Research in the Political Process," this REVIEW, Vol. 45, pp. 69–85 (March, 1951); Alfred de Grazia, "The Process of Theory-Research Interaction," *Journal of Politics*, Vol. 13, pp. 88–99 (Feb., 1951); Samuel J. Eldersveld, "Theory and Method in Voting Behavior Research," *Journal of Politics*, Vol. 13, pp. 70–87 (Feb., 1951); David Truman, "The Implications of Political Behavior Research," Social Science Research Council, *Items*, Vol. 5, pp. 37–39 (Dec., 1951); Max Beloff, "The Frontiers of Political Analysis," *Cambridge Journal*, Vol. 4, pp. 259–72 (Feb., 1951); and Interuniversity Summer Seminar on Political Behavior, Social Science Research Council, "Research in Political Behavior," this REVIEW, Vol. 46, pp. 1003–45 (Dec., 1952).

There are also a number of articles stressing the importance of theory which have grown out of the experience of the students of public administration. Dwight Waldo's *The Administrative State* (Ronald Press, New York, 1948) is an excellent critique of the premises and concepts of public administration of the recent past. Waldo's book is critically reviewed by Arthur Macmahon in the *Public Administration Review*, Vol. 8, pp. 203–11 (Summer, 1948). One should also note Dwight Waldo, "Development of a Theory of Democratic Administration," this REVIEW Vol. 46, pp. 81–103 (March, 1952); and replies and comments on Waldo's article, *Ibid.*, Vol. 46, pp. 494–503 (June, 1952). Donald Smithburg has an article, "Political Theory and Public Administration" in *Journal of Politics*, Vol. 13, pp. 59–69 (Feb., 1951). In the *Public Administration Review* are Robert A. Dahl, "The Science of Public Administration," Vol. 7, pp. 1–11 (Winter, 1947); Herbert Simon, "A Comment on 'The Science of Public Administration'," Vol. 7, pp. 200–3 (Summer, 1947); Charles Aiken, "Task Force: Methodology," Vol. 9, pp. 241–51 (Autumn, 1949); John Gaus, "Trends in the Theory of Public Administration," Vol. 10, pp. 161–68 (Summer, 1950); and Wallace Sayre, "Trends of a Decade in Administrative Values)," Vol. 11, pp. 1–9 (Winter, 1951).

This interest in theory has also resulted in a heightened awareness of the problem of values, of the importance of normative theory, and of the relationship of philosophical premises to the study of politics. Eric Voegelin, *The New Science of Politics: An Introduction* (University of Chicago Press, Chicago, 1952) is a revolt against positivism, scientific method, and relativism in political science. This book is discussed by Hans Aufricht in "A Restatement of Political Theory: A Note on Eric Voegelin's 'The New Science of Politics'," *Western Political Quarterly*, Vol. 6, pp. 458–68 (Sept., 1953). In this REVIEW are William F. Whyte, "A Challenge to Political Scientists," Vol. 37, pp. 692–97 (Aug., 1943); John Hallowell, "Politics and Ethics," Vol. 38, pp. 639–56 (Aug., 1944); J. Roland Pennock, "Reason, Value Theory, and the Theory of Democracy," Vol. 38, pp. 855–75 (Oct., 1944); and "Political Science and Political Philosophy," Vol. 45, pp. 1081–85 (Dec., 1951); Gabriel Almond, Lewis Dexter, William Whyte, John Hallowell, "Politics and Ethics—a Symposium," Vol. 40, pp. 283–312 (April, 1946); Arnold Brecht, "Beyond Relativism in Political Theory," Vol. 41, pp. 470–88 (June, 1947); Hans Kelsen, "Absolutism and Relativism in Philosophy and Politics," Vol. 42, pp. 906–14 (Oct., 1948), and "Science and Politics," Vol. 45, pp. 641–61 (Sept., 1951). In other journals are: Charner Perry, "Relation Between Ethics and Political Science," *Ethics*, Vol. 47, pp. 163–79 (Jan., 1937); Thomas I. Cook, "Politics, Sociology, and Values," *Journal of Social Philosophy*, Vol. 6, pp. 35–46 (Oct., 1940); René Williamson, "The Challenge of Political Relativism," *Journal of Politics*, Vol. 9, pp. 147–77 (May, 1947); Felix Kaufmann, "The Issue of Ethical Neutrality in Political Science," *Social Research*, Vol. 16, pp. 344–52 (Sept., 1949); and William Kent, "John Dewey's Philosophic Principles and Their Political Significance" *Western Political Quarterly*, Vol. 6, pp. 446–57 (Sept., 1953).

In addition to this greater attention to theory on the part of many political scientists today, there are some explorers on the frontiers of political science who are focusing their attention in research and analysis on varied clusters of data and/or on varied sets of relationships within the social process, in an effort to develop a new conceptualization and systematization. These efforts are still so new, and in some cases so highly tentative, that it would be premature to attempt to classify or distinguish between them or to evaluate their individual potential for social science. There are, however, two generalizations which may be made concerning these efforts: First, they all utilize precise, articulated methods; indeed, many of them can be characterized as methodologies. Second, they all appear to abandon the more traditional divisions of social science research, devising categories which cut across the usual disciplinary boundaries. We can cite here only a portion of the growing body of this literature. Some of the main concepts of sociology and psychology which are important in these foci today are briefly summarized and criticized by Wayne Hield, "The Study of Change in Social Science," *The British Journal of Sociology*, Vol. 5, pp. 1–11 (March, 1954). The same concepts are reviewed at length and more favorably in *For a Science of Social Man*, ed. John Gillin (Macmillan, New York, 1954). Another critique of some of these concepts is Roger Nett, "System Building in Sociology—A Methodological Analysis," *Social Forces*, Vol. 31, pp. 25–30 (Oct., 1952). Some attempts at more precise conceptualization and system devising which may supply useful models are: Kurt Lewin, *Field Theory in Social Science*, ed. Dorwin Cartwright (Harper, New York, 1951); Karl Deutsch, "On Communication Models in the Social Sciences," *Public Opinion Quarterly*, Vol. 16, pp. 356–80 (Fall, 1952); Theodore Newcomb, "An Approach to the Study of Communicative Acts," *Psychological Review*, Vol. 60, pp. 393–404 (Nov., 1953); R. C. Snyder, H. W. Bruck, and Burton Sapin, *Decision-Making as an Approach to a Study of International Politics* (Organizational Behavior Section, Princeton, 1954); *Toward a General Theory of Action*, eds. Talcott Parsons, Edward A. Shils (Harvard University Press, Cambridge, Mass., 1951); Marion Levy, *The Structure of Society* (cited above); Bronislaw Malinowski, *A Scientific Theory of Culture and Other Essays* (University of North Carolina Press, Chapel Hill, 1944); *Group Dynamics, Research and Theory*, eds. Dorwin Cartwright and Alvin Zander (Row, Peterson, Evanston, Illinois, 1953); J. von Neumann and O. Morgenstern, *Theory of Games and Economic Behavior*, (Princeton University Press, Princeton, 3rd ed., 1953); Martin Shubik, *Readings in Game Theory and Political Behavior* (Doubleday, New York, 1954); Duncan Black, "The Unity of Political and Economic Science," *Economic Journal*, Vol. 60, pp. 506–14 (Sept., 1950); and Herbert A. Simon, *Administrative Behavior* (Macmillan, New York, 1948).

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BOOK REVIEWS

Charles A. Beard: An Appraisal. Edited by Howard K. Beale. (Lexington: University of Kentucky. 1954. Pp. x, 312. $4.50.)

In his "Syllabus for Scope and Method of the Study of Politics" designed for his course at the University of Minnesota, William Anderson lists under the heading "Development of Political Science in the United States since about 1900" nine substantive fields. To two only of these fields he attaches the names of persons: "A. Economic Interpretation and Charles A. Beard," and "E. The Movement for a 'Scientific' Study of Politics: Charles E. Merriam and others." As Professor Anderson would probably agree, both names might well be attached to several of the other fields—parties and politics, municipal research, public administration, for example. By the death of these two men in recent years we have lost two of the most creative and influential members of our Association. To appraise their work is a professional obligation. To recall them as persons is some answer to a need we have for guidance from experience and solace in remembered friendships.

A reviewer of a memoir is tempted to linger on recollections of the man commemorated rather than to let the reader know of the adequacy of the book in leading one to the man and his work. This would be unjust treatment of the present book, unjust to both authors and readers. It has value in its own right. The editor, Howard K. Beale, has candidly set forth the history of the book from a first design about 1939 for a traditional tribute volume of essays by students of Dr. Beard and others, on the topics of their respective fields of scholarship. Bitterness of controversy over issues of foreign policy, then the pressure of duties in the war and postwar years stood in the way. Then with his death the plan of publishing essays about him was adopted. "What began as a testimonial to a man vitally alive and in the thick of controversy has ended as a memorial."

An inevitable overlapping is frankly acknowledged. A bibliography of Beard's writings is included, revealing the sheer quantity of his contributions. There is no index. An account of the main events in his career would greatly enhance the value of the essays, each treating of some phase or aspect of his work. Also the setting in time and place is needed to better interpret the flow and connection of his varied activities and associations.

The student of political science is well served by the essays in our field. They include those of Laski, "An English View"; Lerner on Beard's "Political Theory"; Gulick on "Municipal Reform"; Soule on "The Concept of Planning"; Hofstadter on "Beard and the Constitution"; Walton Hamilton on a fragment from "The Politics"; Leighton on "Beard and Foreign Policy"; Arthur Macmahon on "Charles Beard, the Teacher"; and Counts on "Charles Beard, the Public Man." For the most part they are free from the uncritical adulation which some might think a person of such rich humane quality, generosity, and power easily inspires. All record shifts in his point of view, his later

qualification sometimes to the point of near reversal of what had once been for him cardinal fighting faiths. Thus his views as to the conduct of foreign policy are summarized sympathetically by Leighton, who yet concludes on a note of inadequacy in reaching a final interpretation. "I never heard Beard give a categorical statement of what his own policy would have been. I can only deduce that it would have been something like this" (p. 181). As the tragic consequences of events, including decisions, since 1898 reveal themselves in our present frustrations and dilemmas, we need to relate ideas held in a field of foreign policy to domestic questions of a given time. ("He knew," remarked Henry Adams of himself, "that Porto Rico must be taken, but he would have been glad to escape the Philippines.") Walton Hamilton casts his interpretation in the form of a discovered manuscript "as he believed Beard would have written." It presents the challenge of change, of necessary adjustment, of the need for endless research, experiment, and "tinkering" to achieve new balance and adjustment; but also of the instantaneous capture of the new institutions of public control by the private interests affected, and of the issue of "loyalty" thereby presented to the public servant. "The great antithesis between the character of the national economy and our faith in the democratic process" remains. Lerner records the varying content and shifting emphasis in Beard's political theories, noting his rejection of Marxian and other systems, but a persistent interest in a science of administration and the role of the technician in society. This found many and varied expressions in his activities and writings. We may be sure that none gave him more satisfaction than joint authorship with his own son, William, who was pioneering in the study of the relation of government and technology, of *The American Leviathan*.

Hofstadter traces the currents that entered into *An Economic Interpretation of the Constitution* and records Beard's later reinterpretation of his views as illustrating a "dualism" of ideas, and points up his roles of scholar and publicist (and the widening range of intellectual history to which Beard and his colleagues were major contributors). He reminds us of the permanent importance of the method employed—"the systematic career-line study," the "location of their [the members of the Philadelphia Convention] social position as a group." One recalls the use of this method in terms of professional careers by Arthur Macmahon, and the current interest in the sociology and anthropology of administration, bureaucracy, and political behavior, and notes again that Beard was a creator of a usable past in method as well as substance. The very application of his method may lead to a revision of his own tentative earlier conclusions, as evidenced in a study of one state convention called to ratify the proposed Constitution. It is recorded here that Beard himself moved to a concern as to Political Man and Military Man.

In one field the line of his creative effort seems undeviating and cumulative, from his earliest teaching at Columbia to his participation in the founding, ten years before his death, of the American Society for Public Administration. Luther Gulick records the story. It is interesting that his service in this field, from local activity in New York to state, nation, and other countries, runs

parallel to that of his contemporary, Charles Merriam. But here too a characteristic touch is found toward the end of his life. Gulick notes his "thrusts" in 1947 at a celebration of the Fortieth Anniversary of the establishment of the New York Bureau of Muncipal Research at the dogmas of reform, to the making and popularizing of which he had himself contributed greatly. He would not confine himself even within his own channels.

One cannot easily grasp the range and variety of Beard's work. This review omits even reference to the essays on his historical writings for the most part. The volume reviewed itself has little on what is surely of great importance, the corporate group which made Columbia so influential a center for graduate work in the social studies in his years there—one thinks of members such as Dewey, Seligman, Robinson, Shotwell, Mitchell, for example. Think of an introduction to public law from Goodnow, Beard, Powell, and McBain! One who was an undergraduate at a small college in those years remembers vividly the visits of young alumni studying with these men; their excitement (and their labors) over the new lines of inquiry and outlook, their sense of being apprentices privileged to work with master craftsmen who were also generous friends. They made the center of interest in a visit to New York shift from the theatre district to a crowded room on Morningside Heights. That note of the welcoming and stimulating of youth is conveyed in this volume by one who learned his lesson well—or did he ever need to learn it?—in the essay by Macmahon. He writes of Beard's "concern for the fulfillment of individuals," and of his "awareness of time and change" that was to be the motive of the Presidential Address on "Time, Technology, and the Creative Spirit in Political Science."

Perhaps we may hope that some day we will have an account of Beard as one of the inheritors from Burgess, Goodnow, and others of the pioneering group at Columbia, and of the effect upon his work of the break when he resigned. And more than can be found in the present essays on his life in the Connecticut household, of farming, lecturing, writing, and advising, of his joint authorship with his wife and with his son. Or further back of his student days, of the absorption of influences in his Indiana boyhood. There must be here some of the sources of a pride in his American heritage which would give him standards for the appraisal of other countries or dogmas, and deep concern for the conduct of public affairs and the stewardship of things he felt unique and precious. Various contributors note the increasing concern, in the later writings, with checks and balances and the constitutional channeling of power. Who, assaulted by to-day's headlines and broadcasts, can find such concern whimsical?

George Counts, in whose essay on "Charles Beard, the Public Man" so many other activities of Beard are noted, tells of a conversation in which he pressed Beard to summarize what he had learned from his study of history. After a time, Beard offered " 'three laws of history. And here they are:

> First, whom the gods would destroy they first make mad.
> Second, the mills of the gods grind slowly, yet they grind exceeding small.
> Third, the bee fertilizes the flower that it robs.'

"About ten days later we took a stroll along Riverside Drive in New York City. Evidently he had been giving further thought to my question. At any rate, he said he would like to add a fourth law to his laws of history:

'When it gets dark enough, you can see the stars.'"

What manner of man said this?

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Presidential Nominating Politics in 1952. EDITED BY PAUL T. DAVID, MALCOLM MOOS, AND RALPH M. GOLDMAN. (Baltimore: The Johns Hopkins Press. 5 vols. Pp. xxii, 256; xi, 369; xi, 363; xi, 344; xi. 298. Each vol. $3.50.

This study is the result of the Cooperative Research Project on Convention Delegations established by the American Political Science Association in 1951.[1] More than 100 political scientists from 70 colleges and universities collaborated in the undertaking which covered 104 state and territorial delegations to the Democratic and Republican national conventions. The result is the most comprehensive account of the presidential nominating process ever written.

The scope and complexity of American politics is such that no single scholar working alone can assemble, sift, and interpret the mass of materials involved in a national election. As a matter of fact all political research in the United States is made difficult by the sheer magnitude of the political system. Necessarily it has been examined in bits and pieces by a multitude of isolated investigators none of whom has been able to observe the system as a whole. More than is commonly realized, American political research has produced something of a jigsaw puzzle in which most of the pieces are missing. What is probably even more unfortunate is the fact that scholars have found it necessary to piece together separate fragmentary studies produced at intervals of time over a period of decades, with the result that the data collected are not sufficiently contemporaneous to be meaningful. In a political system as dynamic as that of the United States, the failure to cope with the factor of time is likely to be as disastrous as the incapacity to deal with the problems of space.

Only cooperative research on a large scale can be expected to provide comprehensive accounts of the whole political system at any given moment in its development. The APSA project justifies the hopes of scholars who have wanted to see research carried on in the national dimension; there is, indeed, some evidence that the results achieved by the study have exceeded the expectations of the sponsors of the project in a number of respects. *Presidential Nominating Politics in 1952* is much more than an account of the selection and behavior of the various state delegations to the national conventions; it is a national survey of American politics, and there is nothing else like it.

Four of the five volumes of *Presidential Nominating Politics* are devoted to accounts of the selection and the performance of the individual state delega-

[1] For an analysis of the development of the project see Paul T. David, "Purposes, Procedures, and Outcomes of the Cooperative Research Project on Convention Delegations," this REVIEW, Vol. 47, pp. 1116–29 (Dec., 1953).

tions to the two conventions. The reports follow a uniform pattern; they describe the processes by which the delegations were selected, their composition and personnel, the activities and voting records of the delegations, and the aftermath of the national conventions in the states, concluding with a review and appraisal of the process. In course of the state-by-state surveys, much information not readily available otherwise is turned up. Thus, for example, the studies prove that party rules are probably as important in the process of selecting delegates as are the presidential primary laws.

Nearly all of the information concerning the personnel of the delegations is otherwise unavailable to the general student of American politics; it sheds much light on the nature of the party alignment and the focus of power within the parties.

The study has developed, incidentally, much evidence of the reorganization of American politics now going on (of special interest because this is a national survey), evidence tending to show that there has been a marked decline in the status and power of the state and local party bosses. States once notoriously dominated by Penrose, the Vares, Hague, Pendergast, the Kelly-Nash organization, Murphy, Roraback, McKay, Crump, etc. sent unbossed delegations to the national conventions in 1952. The editors support this interpretation of the data. "One striking impression from the data is that very few of the state political conventions of 1952 were within the grip of a recognized political boss." One wonders how long it will take the textbook writers to catch up with this conclusion of the survey!

It is interesting to observe also that the study of 104 delegations turned up very little evidence of "deals" and that few references are made to the use of patronage to control the delegates. In the indexes to 1500 pages of text, there are only twenty-six references to patronage, none of them of decisive significance. In contrast to the great emphasis placed on patronage, graft, and bossism in the classics on American politics, *Presidential Nominating Politics* seems to say by inference that something very much like a revolution in party organization has taken place in recent times. If the character of local party organization has really been transformed as much as the study implies, it follows that there has already been a much greater shift in the locus of power in the whole party system than the editors, committed to a concept of "coordinate factionalism," seem to have been prepared to see. The implications of a decline of the boss system for American ideas about party nominations are likely to be very great indeed.

Contrary to traditional concepts of the behavior of delegates at the national conventions, the state reports suggest that the 1952 delegations took their responsibilities seriously, made genuine efforts to represent the prevailing opinion in the parties, and considered soberly the interests of the party as a whole. Thus McCandless and Schwada report concerning the Missouri Republican delegation: "The fact that so many Republican delegates were for Eisenhower was apparently a genuine reflection of sentiment within the party organization." Of the North Dakota Democratic delegation it is reported that "Most of the

delegates appeared willing to suspend, temporarily, any state party struggle in the interest of casting an effective vote in the convention." Miller reports that "In both Michigan delegations, votes were apparently based less on decisions of any small clique than upon free discussion and individual judgments."

The editors subscribe to these estimates of the evidence. "In both conventions, the tendency of the delegates to respond increasingly to the forces of national public and party opinion was apparent as one high-pressure day succeeded another. Most delegates arrived with their frame-of-mind attuned to the parochial concerns of county, congressional district, state, and region. Delegates found themselves engaged in discussions with other delegates from the opposite ends of the country, with a corresponding enlargement of points of view and a reinforcement of the emotional attachments to party that—for regular party people—are second only to religious and patriotic feeling in their intensity. In the end, most of the delegates were thinking less about the constituents in their home district and more about the problems of their party as a national organization with a national constituency—one, moreover, that could not win unless it could appeal effectively to a majority of the entire American electorate."

The evidence piled up in the individual studies demonstrates that, in spite of fifty years of direct primary legislation, the regular party organizations have generally been able to keep control of the selection of the delegations to the national conventions. The data to support this conclusion are overwhelming: two-thirds of the delegations were selected outside of the public primary system, and more than half of the delegates selected in primaries made no commitments on the ballot. Equally significant is the professional political makeup of the delegations. The substantial truth is that the delegates were usually active party politicians selected by party organizations from their own ranks. Also, the power of the party organizations to control the selection of the delegations seems to have been exercised with wide public approval and seems to have been treated with general public respect. It is noteworthy that the decline of the local party boss does not seem to have reduced the influence of the regular party organizations.

The importance of professionalism is well argued by Arthur Naftalin. "A delegation that is not representative of the party organization in its state cannot wholly fulfill its delegate function at a national convention. Delegates who have no involvement in the state party or who have no commitment or interest in the party's concerns at the congressional, state, legislative, county, and municipal levels cannot be expected to subordinate their personal preferences in a national convention to the more inclusive concerns of the state party."

In an excellent statement, the authors write that the function of the national convention is to find a candidate who is able to "unify the party in the approaching campaign for the election, [and] to consolidate the support of the party for a legislative program if the candidate reaches office." They conclude that this kind of work can be done only in a convention and can never be done for the party by a primary election, though it is a little difficult to reconcile

this declaration with other statements by the editors, who begin the study saying that "one could well ask whether the parties as organizations have any nominating functions that are special to them, and that cannot necessarily be shared effectively with the entire electorate."

Throughout the study, it seems to the reviewer, the editors are handcuffed in their evaluation of the evidence by an inadequate theory of politics. It seems reasonable to suppose, for example, that the decline of bossism which they describe will have a bearing on public attitudes toward the presidential primary. The demand for legal restraints on nominations might be expected to decline as public confidence in the party organizations increases. Similarly, the editors do not seem to be sufficiently conscious of the impact of the nationalization of American politics on the party system or the relation between the nationalization of politics and the decline of the local boss. As a matter of fact the study is not well conceived to take cognizance of the national influences at work in American politics. Historically, the development of the direct primary in the United States was closely related to the formation of a very sharply sectional party alignment in the election of 1896. The direct primary is therefore principally a phenomenon of the one-party areas produced by that alignment. The nationalization of American politics since 1932 has, on the other hand, extended greatly the area of competition in American politics and is likely to influence public attitudes toward the nominating process. If this hypothesis is correct, the heyday of the presidential primary probably has been passed already, for the public is less likely to be interested in legislative prescriptions for the promotion of strife within the parties as the party system becomes more widely competitive.

In the midst of a reorganization of American politics in the national dimension, it seems probable that the regular party organizations will be able to defend their control of presidential nominations against the attempts of reformers to impose a new body of legislative regulations on them in the interests of who knows what primitive concepts of democracy. Under these circumstances a prolonged discussion of a variety of proposals for the reform of the presidential primary misses the point of the whole study.

As a work of scholarship, the study is open to criticism because it does not relate sufficiently the material concerning the selection of the delegates to the conclusions of the authors about the behavior of the delegations in the national conventions.

Despite these limitations, *Presidential Nominating Politics in 1952* is so successful that it is to be hoped that the experiment will be repeated in 1956. If it is repeated the editors will doubtless want to reconsider the pattern of questions to which the study addresses itself. One of the limitations of an accumulation of local studies is that it may miss very badly the decisive influences in an election.

E. E. SCHATTSCHNEIDER.

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The Voter Decides. By Angus Campbell, Gerald Gurin and Warren E. Miller. (Evanston, Ill.: Row, Peterson and Co. 1954. Pp. xiii, 242. $4.75)

This volume is the result of an intensive analysis of voting behavior in the 1952 presidential election, conducted by the Survey Research Center of the University of Michigan. The study was sponsored by the Committee on Political Behavior of the Social Science Research Council, which served in an advisory capacity during the course of the study. Funds were provided by the Carnegie Foundation. Over 2,000 persons, representing all parts of the country, were interviewed prior to the election, each for an hour, and 1,614 of these were reinterviewed after the election, each for a half hour. Although this is a relatively small sample, it may be assumed that unusual care and skill was exercised by the staff in selecting the persons to be interviewed so that they would be representative of the entire voting population.

A similar but much smaller survey was conducted following the 1948 election, and at many places in this study the voting behavior in the two elections was fruitfully compared. The differences in the two elections were frequently striking, giving rise to the observation of Professor V. O. Key in the foreword that failure to recognize these variations has frequently caused prognosticators to come to grief. It is difficult, however, to hazard which of these two elections was atypical. The authors of this volume evidently regard the 1948 election as the more typical, but this assumption is certainly open to question.

The objectives of the study, carefully outlined in the opening chapter, were to identify voters and nonvoters, Republicans and Democrats, with regard to (a) socio-economic characteristics, and (b) attitudes and opinions on political issues, and perceptions of the parties and the candidates. Comparisons of these groups are made with the corresponding groups in the 1948 election, and special attention is given to undecided and changing voters. Part I of the study summarizes the facts brought to light concerning the behaviors and attitudes of voters in the 1952 election, including the time of decision, the extent of public interest and participation in the campaign, the public perception of parties and the candidates, and the demography of the vote. This part follows rather closely the pathbreaking study by Paul Lazarsfeld and associates in *The People's Choice* (New York, 1948), which surveyed the voting behavior in Erie County, Ohio, through a sample of 600 persons.

Part II is concerned with the motivation of voting behavior, and it is in this part that the authors push their inquiries into new areas and undertake new methods of analysis. Here the authors analyze and classify their data in an attempt to explore the major psychological variables which influenced the voter in his choice. The emphasis is not upon group influences and pressures, which were stressed in the Lazarsfeld study, but rather upon the motivation of the individual. The data collected from the sampling interviews are collated with respect to three basic factors: (1) personal identification with one of the parties; (2) concern or orientation with respect to national issues, and (3) orientation to the two presidential candidates. Some attention is given to the influence of associates and groups, the belief in the efficacy of voting, and the sense of civic obligation to vote. These latter topics are relegated to the appendix.

What were the significant findings of the study? In what respects do they correspond with or differ from those of preceding studies? Do they confirm or discredit the opinions of politicians and political writers who have undertaken to explain the reasons for the outcome of the 1952 election? In what regards do they throw new light on voting behavior and open up new hypotheses for further study and exploration? Do they support or negate the often expressed opinion that the vote of women was an important factor in the election of Eisenhower? That his promise to go to Korea influenced the outcome? Or that his popularity was the decisive factor in the result?

The study throws much new light on the voting behavior in the 1952 election, confirming certain commonly held impressions, but also introducing many new and unsuspected factors. The authors are meticulous in limiting their conclusions to those strictly justified by the data; others may find in the numerous tables summarizing the results of the interviews many other clues to voting behavior which they think worthy of further study.

The 1952 election brought to the polls 61.5 million voters, as compared with only 48.5 four years earlier. Why the higher turnout? The authors reason that the voters were more highly motivated, which is another way of saying that public interest ran higher. But the detailed data give important clues to the higher interest: the greater attractiveness of the candidates, particularly Mr. Eisenhower; the greater concern over issues, especially foreign. But there were many other explanations, which the authors, sticking to their data, do not explore. These include, for example, the fact that the outcome in 1948 was regarded generally as a foregone conclusion, always a depressant of voting, whereas in 1952 the outcome was generally regarded as in doubt. Far greater funds were spent by both sides in the campaign, and television for the first time became an important factor. But one astonishing fact brought out in the study is that voting declined from 1948 to 1952 in the metropolitan centers, although markedly increasing elsewhere.

When does the voter make up his mind? The authors state that whereas in 1948 as late as October some 19 per cent of the public had not decided on the choice between the two candidates, with the late deciders voting two to one for Truman, in October 1952 the corresponding figure was only six per cent, with the division of the late deciders between the two major candidates being the same as for voters who had decided earlier. While the data are somewhat contradictory, they indicate that immediately after the national conventions two-thirds of the voters made up their minds once and for all; 60 per cent of these favored Eisenhower. The results were not altered by the campaign, as they were in 1948.

The authors state categorically that the Eisenhower victory was not due to the women's vote, though the statistics given by sex indicate that 41 percent of the women interviewed voted Republican, while only 28 per cent voted Democratic. In 1948 the corresponding percentages were 26 and 29. The greatest shift was in the farm vote and in rural areas, which in 1948 had gone two to one for the Democrats, and which now switched to two to one Republican, and

turned out in much larger numbers. As is well known, Eisenhower drew many votes from Democrats. Stevenson drew 74 per cent of his votes from regular Democrats, while the regular Republicans constituted only 56 per cent of the Eisenhower vote. One-fourth of Eisenhower's vote came from persons who had voted for Truman in 1948. These constituted the great bulk of the undecided and the switchers. Evidently many of these voters toyed with the idea of voting for Dewey in 1948, but returned to the fold on election day; in 1952 they were attracted to the Republican side, largely because of the candidate, and stayed with it on election day.

Students of politics will be interested in the statistics concerning active participation in the campaign. Four per cent of the respondents contributed financially, though 12 per cent were solicited; three per cent did party work, and seven per cent attended political meetings. More than a fourth of the voters urged others to support their candidate, including some who failed to vote themselves! The data indicate in considerable detail the numbers of voters who were greatly interested and concerned about the outcome of the election, those only mildly concerned, and those who were apathetic. It is of interest to note that the percentage of those who voted was much lower in the high interest group of the Democrats than in the corresponding group of Republicans.

The data on party identification will also be of great interest to the student of political behavior. One of the major findings of the study, which belies common impressions, is that party identification for the great majority of voters is very real and continuing. Three-fourths of the voters regarded themselves as members of one of the major parties. Although one-fourth of the respondents stated that they were independents, on further questioning only seven per cent indicated that they did not favor one party or the other. Even those who switched and voted for the opposing candidate still regarded themselves as identified with their party. An important corollary to this finding is that a large number of voters who switched or who voted Republican for the first time do not regard themselves as firmly attached to the party, and whether they will remain with it will depend upon future events. There were very few switchers to the Democrats, but the new Democratic voters, in contrast, regarded themselves as strongly attached to the party. What this forbodes for the future, only time will tell.

The analysis of issue orientation is, at least for this reviewer, somewhat inconclusive. Whether the Korean war was the decisive factor, causing many loyal Democrats in the low income groups to leave the party, cannot be ascertained from the study. Generally, only about a third of the voters were informed on the stand of the parties on issues; another third thought there was no difference in their stands; and the other third did not know. The issue orientation of the Democrats in the South who switched to Eisenhower was practically the same as that of the regular Republicans of that area.

This is a notable study of political behavior. The attempt to identify and evaluate several significant factors of voter motivation—partisanship, issue orientation, and the appeals of the candidates—utilizes a new technique of

political analysis. However, as the authors point out, these factors are closely related to one another and are not neatly separated in the mind of the voter. For this reason, it is questionable whether this technique can ever provide fully satisfactory explanations of voter motivation. The authors are to be commended for the great caution which they exercised in drawing conclusions from their data. Teachers and research students of the subject owe a heavy debt to them for a volume which will serve as a sourcebook and an inspiration for continuing studies.

JOSEPH P. HARRIS.

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Government and Science. BY DON K. PRICE. (New York: New York University Press. 1954. Pp. 203. $3.75.)

The endless frontier that is science has advanced so far, so rapidly, so dynamically that every human institution has felt its revolutionary impact. Government is no exception; and Don Price would be the first to acknowledge that his book, pioneer effort that it is, has fallen short of fully comprehending this impact. Yet in his Stokes Lectures he has carried this analysis considerably farther than any contemporary writer. Here is a creative mind operating on data both old and new, bringing new insights and a new dimension to the study of government.

The work opens with the thesis that scientific research and professional discussion, rather than political conflict and pressure groups, have historically been the principal determinative factors in national policy and administration. A considerable number of examples of such influence have been woven together, not enough to prove the point but sufficient to intrigue the reader. The union of popular pragmatism and the prestige of our scientists has created an atmosphere such that the present day is witnessing the full flowering of scientific influence on governmental policy.

It is in such a setting that the dilemma has risen between the traditional freedom of the scientist and the imperious demands of a government whose very existence may someday be threatened. The problems thereby created are analyzed. An important contribution toward responsible freedom lies in contracts with universities and other institutions in lieu of the alternative of direct government operation. On the other hand, the current undiscriminating passion for "security" is a threat greater than any which might lie in a strong and responsible executive.

How far and through what means science and the scientists should advise government, to what extent they should determine its actual policy—these are the two major questions to which the remainder of the book is devoted.

The questions raised are important and clear. The author's answers are more implied than explicit.

Science in government, including government subsidy of basic research, can and should be administered within the governmental hierarchy, at least to the extent that there should exist policy-determining officials in line of authority

who will assume responsibility for approving and disapproving research programs, and fighting for those approved. Such lines of authority should operate in an institutional setting which also provides for tapping of the best scientific minds for advice. Such advice should be free of governmentally imposed restraints except for overriding security considerations. Moreover, important sectors of research should be devolved or "federalized" by contract to private agencies. Criticism of existing policy is itself to be institutionalized, chiefly by maximizing its responsible freedom through such contractual relationships.

The reviewer would call attention at this point to the role which the Congress plays in such criticism, especially now that its powers of investigation and criticism even to the point of formulation of alternative policies are strongly buttressed by staff experts. There is no better way to illustrate this than to note the recent report of the Riehlman Subcommittee of the House Committee on Government Operations (House Report No. 2618, 83d Cong. 2d Sess.) and to note how closely it parallels the reasoning and the inquiries of this study, and how precisely it identifies its many and serious problems.

The top nonpolitical administrative echelons of government must be greatly strengthened. At this level science should not dominate. Rather its findings are to be among the factors fed into the process of high formulation of high policy, policy which transcends science because it deals with objectives and values. These high administrators should be of three types: outsiders of ability recruited for specific tasks and doubtless somewhat limited periods, scientists promoted for the purpose, and career administrators.

We shall hear more of this fruitful subject in the coming years, and we can ask no more than that the same urbanity, objectivity, and sense of statesmanship that appear in this book shall pervade these future discussions.

ERNEST S. GRIFFITH.
Library of Congress.

The Moral Foundation of Democracy. By JOHN H. HALLOWELL. (Chicago: University of Chicago Press. 1954. Pp. ix, 134. $3.50.)

Professor Hallowell is in no doubt that all the really important things which need to be said about political philosophy have already been said by Plato, Aristotle, and St. Thomas Aquinas. The last of these authorities is not mentioned by name, but I do not think that Professor Hallowell would question the statement that much of the "Hebraic-Greek-Christian tradition" derives from him.

The book, therefore, contains no surprises. It opens with a criticism of the view of political obligation supposed to have been held in Greece by the sophists Callicles and Thrasymachus and to have been refuted by Plato in the *Gorgias* and the *Republic*, namely that "duty" means either "what is pleasant" or "what is expedient." Whether Callicles and Thrasymachus actually held this view or not, we do not know, since their doctrines are not available for study. It is, however, a very silly view, and so are those attributed to their successors in Britain and the United States. I am not, however, confident that they did hold

it. They may only have been offering practical advice to politicians and saying something like "If you want to predict the way in which people will behave, you had better assume that they will be guided by selfish rather than by disinterested motives." This, after all, was what Machiavelli was saying in *The Prince*.

Such a view may be bad psychology, but those who put it forward are neither agreeing nor disagreeing with Plato. They are talking about what they think happens in the world, and not about what ought to happen. They may also hold that "What ought to happen?" is a futile question, but this needs further evidence which, in the case of Machiavelli at least, is not forthcoming.

Where I disagree with Professor Hallowell, however, is not in his attack on "positivism" which, in the sense in which he uses the word, is not worth defending. It is his assumption (which he nowhere attempts to justify) that there is no middle ground between this view and the position which he advocates. This position is substantially that no democratic state can avoid degenerating into anarchy or tyranny unless all or nearly all the citizens of it subscribe to certain principles which are its moral foundation. What these principles are remains rather vague. It is not, for instance, clear whether female suffrage is included in them; and slavery (or serfdom) deserves attention. In fact, I feel that Professor Hallowell is in something of a quandary at this point. He would, I think, be embarrassed by the question, "At what moment in their history did the United States become a 'true,' 'real,' or 'genuine' democracy?"

This trouble arises inevitably because Professor Hallowell is not quite sure what to say about liberalism. It cannot be given a blessing since it is notorious that many of the great liberals both in the United States and Europe were not Christians; but, equally, it cannot be condemned, since the principle that human beings are important, that they ought to be treated as important in themselves and not used simply as means to further the ends of others (or of the state) is a liberal rather than a Christian view. Professor Hallowell certainly adheres to this principle, though he does not explain clearly how it is to be reconciled with the highly organic conception of the state which he accepts uncritically from Plato.

Hence his argument seems to me to be broken-backed. In order to maintain his tough disjunction between "positivism" on the one hand and "the Hebraic-Greek-Christian tradition" on the other, he is driven to maintain that liberals can be divided into sheep and goats and distributed between his two accepted positions: the good ones were really living on Christian principles inherited from their ancestors, the bad ones were really "positivists" in disguise. It would surely be a fruitless occupation to attempt to fit this strait jacket on to the Makers of the American Constitution or their liberal successors in the United States and Britain.

Indeed it seems to me that "Foundation" is an unhelpful word to use in this context. Certainly most people in advanced countries have principles which they are most reluctant to modify and which they will maintain at the cost of their lives. But they do not all have the same principles, and they need not hold their principles blindly. Why should it be wicked for the citizens of any state

to ask what good reasons there are for adhering to a particular principle? Professor Hallowell would probably refer to divine guidance or natural law here and that is where I disagree with him; but I certainly don't hold with the Callicles-Thrasymachus view either.

T. D. WELDON.

Magdalen College, Oxford.

The Appeals of Communism. By GABRIEL A. ALMOND. (Princeton: Princeton University Press. 1954. Pp. xix, 415. $6.00.)

This meaty study of why people join the Communist movement and why they leave it is the product of a four-year research project carried out by Professor Almond and a group of associates at the Princeton Center of International Studies. Its main findings are based on intensive interviews with some 221 former American, British, French, and Italian Communists; biographical data on the members of the Central Committees of the French, Italian, and American parties; and some 35 clinical case histories of Communists supplied by a group of American psychoanalysts. Despite the limitations of the sample, of which the authors are fully aware, their exploitation of it represents a model of careful empirical analysis, and their conclusions and hypotheses display imaginative insight and sound judgment as well as methodological rigor.

The book opens with a portrait of the Communist militant, member of a highly centralized, disciplined, fighting formation organized for the purpose of seizing power. This esoteric image of the party, which is derived from the Communist classics and propagated in the party's elite media, is, according to Professor Almond, "rarely perceived by persons at the point of admission into the movement." The mass media of the party, which are directed at the neophyte or sympathizer, concentrate their fire on the "evils" of the existing society while the "good" alternative, communism, is merely vaguely sketched as "peace-loving, freedom-loving, democratic, and the like." In Professor Almond's words: "A person who has simply assimilated the pattern of political action represented in the American *Daily Worker* has no conception whatever of what the Communist movement really is . . . the great problem of learning in the Communist movement is not posed at the point of admission to the movement but only after admission, as recruits are exposed to the inner doctrine and practice of the party." It is this process of testing, sifting, and indoctrination which produces the "hard core" militant; it also brings disillusionment to those who cannot reconcile the libertarian and humanitarian appeals which led them to enroll in the party with the authoritarianism which prevails in it.

Among the most interesting of Professor Almond's findings are the differences revealed in the four parties studied. The most distinguishing characteristic of the American party is the heavy predominance of foreign-born and children of the foreign-born who fall victims to the processes of acculturation in American society. A high percentage of the American ex-Communists reported that they had broken with their families, and many of them viewed the party "as a means of solving personal problems of rebelliousness, isolation, and the

need for certainty and security. Hatred of the antagonist was revealed as especially intense. The [party] leaders were . . . often characterized as ruthless, hard, and cynical" and at the same time viewed with "awe and adulation." The British respondents reported a very different pattern. "The relationships between the leaders and the rank and file seem to have been more relaxed and close. Only a small proportion . . . felt under pressure to subordinate their family and other personal relations to the party. . . . Hatred of the antagonist does not appear to have been as strongly stressed in the British party." The Italian respondents included the largest proportion of persons with no exposure to Communist doctrine at the time of joining, with no formal political training while in the party, and with a maximum of nonparty connections and associations. These characteristics may of course be merely a temporary reflection of the mushroom growth of the Italian party, but it is worth noting that of all the parties the Italian appeared to be the least well-integrated and indoctrinated. The French Communists, on the other hand, included the largest proportion of ideologically conditioned recruits and fully indoctrinated and dedicated militants.

Professor Almond's analysis of the economic, social, and political backgrounds of his respondents also yields some interesting conclusions. His data suggest that by far the largest proportion of party members came from middle- and low-income groupings, rather than from poverty-stricken homes, that working-class members have better prospects in the party than middle-class recruits and are more often moved to join the party as a result of occupational dissatisfaction and declining social status. Although the findings of the study challenge the popular stereotype that Communists tend to be recruited from irreligious homes, they also reveal that pietistic backgrounds tend to be more characteristic of the party rank and file than of the leadership, and they indicate that most of the respondents had rejected their religious upbringing before joining the party. Among those interviewed the largest single group came from families with left-wing political identifications. As might be expected, such backgrounds were more characteristic of the French and Italian respondents than of the American or British. Prior activity in a "front" organization often served as the threshold to party affiliation. The heaviest party enrollment occurred in three types of situations: (1) when the party appeared to be moderate and patriotic, as during the Popular Front and World War II period; (2) during the social dislocations of the depression; and (3) when the party presented itself as the "wave of the future" in the period immediately after the First and Second World Wars. As Professor Almond notes, "it is in situations in which the party appears to be least deviant that it is most successful in recruiting new members."

As perhaps might be anticipated in a study which draws the bulk of its data from interviews with former Communists, the richest and most authentic findings relate to the experience of defection. This process "is affected by the characteristics and expectations of the individual, the aspects of the party to which he has been exposed, the degree of his commitment and involvement in the par-

ty, and the opportunities available to him in the outside world." Most defectors, and more especially those of high rank in the party, undergo a long and painful period of doubt and conflict before breaking with the party. As Professor Almond points out, "a substantial proportion of persons leaving the party do not reject communist ideology (as they perceive and understand it) in its entirety at the time of defection. These individuals go through a process of ideological disenchantment which in the extreme case may take years to complete." Despite dramatic examples to the contrary, only a small proportion of defectors become religious converts or embrace right-wing conservative philosophies. Most gravitate to the moderate left or withdraw into political apathy. The most typical pattern in Great Britain is retreat into the Labor party; in the United States the defector is apt to waver between support of the non-Communist left and political inactivity. The French and Italian ex-Communists manifest a high index of political indifference, a reflection in part of the lack of an effective moderate left-wing alternative to communism.

Professor Almond reserves the policy implications of his findings for his concluding chapter. His major criticism is directed against the simplistic view "which approaches all Communist movements and all Communists as though they were identical. . . . " Since he regards the American and British parties as relatively insignificant "deviational" movements, he is critical of those who feed hysteria by portraying "all party members as equal participants in the Communist conspiracy." He feels it particularly important in the United States to preserve a road back for the dissident Communist by removing the heavy sanctions which have been imposed on past party membership. The problem of communism in France and Italy is of a different order. There, he believes, "the Communist parties fulfill political needs, needs for protest against an inequitable distribution of values and stalemated societies which offer no promise of future improvement, needs which are not embraced by any other powerful and militant political movement." Even if his indictment of the French and Italian social structure be overdrawn, it remains true that a political vacuum has been created on the left which the Communist parties and Communist-dominated trade unions have largely occupied. If the Communist movements in France and Italy are to be weakened, the grievances on which they feed must be eliminated. Professor Almond sees as the only real hope "the emergence of a broad non-Communist movement on the left capable of . . . pulling from the Communist parties and the Communist-dominated trade unions the many disillusioned workers and intellectuals who are loyal to the party only because of the absence of an effective alternative."

MERLE FAINSOD.

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The Middle East: Problem Area in World Politics. By HALFORD L. HOSKINS. (New York: The Macmillan Co. 1954. Pp. vi, 311. $4.75.)

Here is a book that should be received with grateful recognition by all those who are seriously concerned with international security and the role the Middle

East has to play in it. Dr. Halford L. Hoskins, a distinguished historian and political scientist, brings forth in this volume facts and interpretations drawn from his broad and deep knowledge of European, Middle Eastern and African history and contemporary politics. Happily blending the topical with the regional approach, the author reviews, consecutively, the problem of the Straits and the role of Turkey in the cold war; the significance of the Suez Canal in world strategy; the problems relating to the Sudan; the issues posed by the emergence of Israel; the problem of nationalism, as manifested in both the Arabian and the Iranian regions of the Middle East; the significance of Middle East oil; the programs of technical assistance; and the overall problem of strategy in Middle East defense.

The book is essentially a work of analysis, and as such it has, in this reviewer's opinion, no peer in the existing literature on the Middle East. Well-proportioned, written in masterful English, and remarkably free of bias and sentimentalism, Dr. Hoskins' volume presents a brilliant and lucid discussion of all those major issues of the Middle East that are relevant to the security and welfare of this country as well as to the political destinies of the world. Facts supplied by the author are plentiful, but they are not pedantically overwhelming. A politically conscious layman will learn from the book a good deal without being annoyed by minute details. A specialist will be grateful to the author for not repeating the factual material which should be known to experts and for concentrating on essentials. Yet, even with this fine quality of condensation, the author has been able to include unobtrusively a very impressive amount of new factual information which may materially help in the understanding of the major issues discussed.

Speaking, in the opening part, of the problems of imperialism, the author exposes the "salt-water fallacy" which has led many to condone the accretions of territory and power through land expansion while condemning similar processes if conducted in areas separated by oceans from the metropolis. As to the frequently debated power-vacuum in the Middle East, the author is convinced that the area's ability to avoid absorption into the Soviet sphere has thus far been due mainly to American power, which has in fact become the guarantor of the Middle East's independence. Of Turkey the author speaks in soberly warm terms, duly noting that her success in warding off totalitarian aggression has been a product not of mere luck, but, primarily, of the outstanding qualities of her people and government. The discussion of the Suez issues is most illuminating, and the account of a little known story as to how Egypt had been deprived of her share in the income from the Canal, despite her major contributions to its construction and financing, serves as a useful reminder of the depth of Egyptian grievances in this matter. Jordan, says the author, "is the only state in the Middle East that owes its existence wholly to Great Britain." Its strategic significance is carefully examined. The Arab League receives a realistic appraisal. "Its importance," says Dr. Hoskins, "lies in its ability to take sides in the vital contest between two antithetical world systems; in its ability, by shaping the political attitude of one of the most strategic of all areas,

to influence the final outcome of that contest. Lightly to value the league because of its many shortcomings is to incur hazard in the cold war."

The two chapters on oil provide a penetrating analysis of the economic and strategic aspects of this commodity—a subject on which Dr. Hoskins, as author of *Middle East Oil in United States Foreign Policy* (Washington, 1950), is well-qualified to speak. His dispassionate and constructive discussion of the Point Four program supplies a most useful antidote to a great deal of wishful thinking that has been displayed on this subject in the recent past. Reminding the readers of the fallacy of belief that an area basically poor in natural and human resources can be brought up to the "level of health, wealth, and culture which would be considered satisfactory in comparison with standards in Europe and in the Americas," the author rightly observes that political obstacles are the greatest of all those encountered by technical aid programs and that "an excess of aid, maladroitly given, may only add color to the charge of 'imperialism' ever beamed from Moscow. . . ." Concerning defense strategy—the subject of the concluding part of the book—Dr. Hoskins believes that recent changes in the power position of Great Britain "made British prestige in the Middle East a very fragile foundation on which to erect a security system possessing the qualities of a barrier to Soviet designs." He calls, therefore, for a thorough reappraisal of existing strategic concepts, with a careful study of Middle Eastern attitudes and of means of achieving better co-ordination of American and British policies.

By consistently linking the problems of Middle Eastern diplomacy and strategy with global security considerations, Dr. Hoskins has underscored the Middle East's importance in world affairs, while steadfastly avoiding exaggerations born of prejudice or lack of perspective. His excellent work should materially contribute to the stimulation of interest in Middle Eastern studies among enlightened public and academic circles alike.

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Some Dependent Peoples of the South Pacific. By LINDEN A. MANDER. (New York: The Macmillan Co. 1954. Pp., xix, 535. $6.75.)

With this book, issued under the auspices of the International Secretariat of the Institute of Pacific Relations, Professor Mander ventures into a geographical area that has seldom attracted the serious attention of American political scientists. American missionary societies, anthropologists, and a few historians, military officials, and cartographers have concerned themselves with their respective problems in it; but even for the majority of them it is a remote and little understood region. Doubtless this neglect has been due in large part to the fact that until recently the United States has had only extremely minor commitments in the area. Nevertheless, administrative problems in the Pacific have intrinsic interests the equal of any, and since World War II they have assumed an unexpected importance for the American government and the American public. It is therefore well that we come to know this part of the

world and particularly that we bring all our disciplined efforts to bear upon an understanding of it.

It is most important that a political scientist approaching an area such as the Pacific, inhabited as it is by a variety of peoples, be prepared to flex his traditional concepts to accommodate the unorthodox material. Professor Mander is fully aware of this caution and of the complexity of his problem. He recognizes that an understanding of local cultures is a prerequisite to an evaluation of the administrative policies affecting the natives and that we must "interpret the colonial problem in deeper terms than politics and economics and see it in its cultural dimensions." He has prepared himself for this task by making two visits to the South Pacific, where he consulted administrators, educators, missionaries, business men, and anthropologists. Unable for obvious reasons to fulfill the ideal of acquiring a first-hand knowledge of native life, he has drawn freely upon the reports and experience of men who have had this opportunity.

The aim of the author is to present contemporary problems of government which have arisen as a result of the alterations in indigenous customs produced by European colonization and administrative policy. His procedure is first to describe briefly those aspects of native life which have been affected most significantly by the advent of Europeans; then second, to trace the pertinent features of the contacts between Europeans and natives over the years up to the present; and finally, to describe the consequences of the contacts as they relate to the policies and controls of colonial powers having jurisdictions over the area. Thus he combines the scholarship of anthropology, history, and colonial administration. Because these three elements vary markedly from place to place, the analysis is particularized by locality.

Eight areas are treated: New Zealand, Western Samoa, Australia, Papua-New Guinea, British Solomon Islands, Tonga, Fiji, and the New Hebrides. These jurisdictions have been selected for their essential interest, but more especially because they exhibit variations on the theme of colonialism. In New Zealand the Europeans took the land only after bitter fighting. Following a period of population decline and demoralization, the Maoris have reestablished themselves under conditions as favorable as any in the areas reviewed. The Samoans were exposed to the by-products of a conflict in power politics around 1900. After an interval of German rule the western islands were mandated to New Zealand. Their people have been restive under foreign domination, and during the 1920's their discontent took a serious turn; in 1947 they petitioned the United Nations for a greater degree of autonomy. The first settlers in Australia found nomadic bands of unaggressive natives whom they treated ruthlessly. Many of the aborigines were exterminated; survivors now inhabit the less desirable parts of the continent where they live much as their ancestors did. New Guinea contains by far the greatest native population. Much of the interior of the large island is inaccessible or uncontrolled, cultural diversity is extreme, and administrative problems are correspondingly complex. The Solomon Islanders suffered under the depredations of "blackbirders" and have been

difficult to administer ever since. Tonga presents an almost unique case of a happy blending of a native monarchy with a system of indirect rule. Fiji is plagued by race and land problems. Indians outnumber Fijians and sharp issues divide the two groups on questions of political representation. The New Hebrides offer an instance of joint rule. The condominium government, composed of France and Great Britain, has so far been unable to present a unified policy, in consequence of which native welfare suffers.

The analysis of these cases is recommended reading for students of comparative colonial administration, as well as for anyone interested in the Pacific in modern times. It might be said that the author attempts too much in one volume, but this is scarcely a legitimate criticism of the type of inquiry which this study is intended to be.

H. G. Barnett.

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French Administrative Law and the Common-Law World. By Bernard Schwartz. Introduction by Arthur T. Vanderbilt. (New York: New York University Press. 1954. Pp. xxii, 367. $7.50.)

Foreign administrative law has lured comparativists into its study for almost a century. But unfortunately all too frequently such research has resulted in distorted impressions and biased reactions. His monumental but misguided investigation of English administrative law at the middle of the 19th century prompted Rudolf von Gneist to publish a pamphlet entitled *Der Rechtsstaat und die Verwaltungsgerichte in Deutschland* in which he lashed out with violence against the views of Otto Bähr, who in his now classical pamphlet *Der Rechtsstaat* had advocated that judicial control of administrative action in Germany be lodged in the ordinary courts of justice. Gneist's views won out. But his victory is still deplored by many German experts. Dicey's well-known superficial and erroneous indictment of the French *droit administratif* had its lingering effect for over a generation. Even today English scholars still express their marvel over the unfounded attack.

The administrative law of France in particular has been the favored focus of attention from foreign comparativists, not only in nations whose institutions are directly inspired by the French model, but also in many other countries. The reason for this attraction lies in the fact that French administrative law was the first to coagulate into a well-defined though steadily advancing system.

Its development now stretches over a period of 155 years and is chiefly the result of the patient and enlightened labors of the Council of State, France's supreme administrative court. As its vice-president, Réné Cassin, stated in his eloquent address commemorating the 150th anniversary of the Council, this celebrated tribunal owed its career to a "very remarkable historical paradox." For its origin can be traced to the combined effects of a revolutionary statute, withdrawing administrative action from the cognizance of the ordinary courts of justice, and of the democratic need for judicial protection of the rights of citi-

zens against administrative encroachment. In the performance of its adjudicatory tasks the Council of State grew step by step into a veritable and immensely respected court.

Actually the warp and the woof of modern French administrative law is the product of the impressive mass of painstaking adjudications by the Council of State. Even areas which are now codified by statute, such as the legal status of public officials, show the imprint of the pre-existing case law formulated by the Council of State. The legal acumen and the progressive spirit of this great body, which is aided by the guidance given to it by the remarkable institution of impartial Government Commissioners selected from outstanding members of its staff, has endowed the stream of these adjudications with a singular fascination. Sixteen years ago I endeavored to map its course for the American reader and published my study in a detailed paper running in three installments in the *Boston University Law Review*. Professor Schwartz has now engaged in a similar task in the book under review. If the bibliographical references of the author are a conclusive test he has unfortunately remained unaware of my efforts. As a result, of course, in reading Professor Schwartz' book I could not help vacillating between the pangs of frustration so familiar to backseat drivers and the chagrin of a father whose son has been snubbed by a fraternity. But so much has happened during the interval in the development of administrative law both in this country and in France that undoubtedly a new survey has its justification.

The main part of Professor Schwartz' presentation focuses on the method and scope of judicial review of administrative action (pp. 108–249) and the liability of the state and public officers (pp. 250–305). But four introductory chapters set the stage by giving a bird's eye view of the French legal scene under the heading "A Common Lawyer Looks at the Droit Administratif" and following it up with a description of the three principal actors in the play, *i.e.*, the administrative courts, the law courts, and the administration. The book concludes with an overall evaluation entitled "Droit Administratif and the Rule of Law." In his discussion of the review of administrative action Professor Schwartz first tries to give a picture of the procedural aspects of litigation before the administrative courts and the two forms in which it is conducted, *viz.*, proceedings for full relief, especially damages, and proceedings for annulment of the administrative action. It is the latter type of proceedings, especially in the particular form of *recours pour excès de pouvoir*, which has become the mainspring of the judicial control of legality, and in the words of a modern French scholar the manifestation of a "certain type of ethics in liberal politics." Professor Schwartz then turns to the questions of availability and the scope of review, particularly in the *recours pour excès de pouvoir*. In the chapter on availability of review the author discusses first the general exceptions from reviewabillty, with the main emphasis on the theory of "acts of government," and then takes up the more technical doctrines of "ripeness" and "standing." In the chapter on the scope of review, the longest in the book, Professor Schwartz surveys the four traditional French grounds for annulment: lack of jurisdiction, nonobservance of proper

form or procedure, abuse of power, and error of law. He notes that, especially in the post-liberation era, the Council of State has steadily expanded the scope of judicial review and developed principles analogous to the much decried American doctrines relating to "jurisdictional facts" and "mixed questions of law and fact." In the chapter on liability of the state and of public officers we are shown how far France has gone in shielding the officers from personal responsibility for acts not tainted with "personal fault" and, conversely, in imposing liability on the state for injurious encroachments on the economic interests or political liberties of the citizens.

Professor Schwartz deals with his subject by employing "the comparative method," an approach enthusiastically hailed by Chief Justice Vanderbilt in his Introduction. This signifies that French administrative law problems and their solutions are continuously contrasted with and projected against equivalent or analogous situations elsewhere. There is no question that in general such an approach is commendable because it not only helps the native student in familiarizing himself with the foreign milieu but demonstrates the common bond between the great Western democracies. But in my opinion the author has carried the method to extremes and I was not able to read the book without personal misgivings—which, I hope, are not merely diagnosed as an acute attack of the "not-being-cited disease." The book is studded with quotations from American judicial opinions and text writers which, while parading the copious arsenal of such ammunition at the disposal of the author, make for tedious reading and are of no particular help to the reader. Moreover, the author revels in outworn clichés, exaggerations, and half-truths. Thus, his "typical" common lawyer is a myopic *bête noir* happily no longer prevalent and doomed to certain extinction by the modern law school. Professor Schwartz' assertion that French law is "a realm where the Code reigns supreme" is certainly highly inaccurate in actual practice as well as in theory. Only recently Professor Réné David, an eminent French legal scholar, referred in public and with engaging frankness to the *"législateur un peu sénile."* Similarly, the author's quotation from Duguit referring to an alleged German doctrine which exempts the state from the principle of legality unnecessarily repeats an erroneous impression of the great French jurist and is apt to perpetuate a wrong picture of the law of the country which prides itself on being the cradle of the *Rechtsstaat* idea. Worst of all, Professor Schwartz' comparative presentation is at the expense of a truly complete and perspective picture of the French system. In many instances the author's ideas of a comparative approach subject French doctrines to a Procrustean treatment. Thus, for example, the basic principle that only administrative acts, as distinguished from other government action, are subject to judicial control by the administrative courts is lost in the shuffle. In addition, the over-rich common law stuffing smothers the flavor, the spirit, and the elegance of the French approach. Greater emphasis should have been placed on the historical evolution of French administrative law with its fascinating interaction of theory and practice and on the most recent transformations. Especially significant in the latter respect are the

Council's modern preference for resting decisions on the merits rather than on technicalities, its constant contraction of the field of nonreviewable action, and its courageous concern for the protection of the legal rights of citizens. Thus, in a recent case the Council of State, following the advice given to it by its senior Government Commissioner, M. Letourneur, has condemned the action of the authorities who for political reasons and without disclosure of their motives excluded certain candidates from admission to the national school of public administration.

There is no question that a real understanding of the French system can only be gained by a sustained delving into the original source materials. Professor Schwartz deserves credit for having made another valiant effort to accomplish a nearly impossible task. At any rate the book should be useful in eradicating some apparently still prevailing prejudices and preconceived notions. Certainly I could hardly trust my eyes when I read in the Introduction that it took Professor Schwartz' book to free a leading expert in administrative law, such as Chief Justice Vanderbilt, from the misconceptions instilled by the "superficial views of Professor Dicey and his school." After all, Dicey himself had confessed error nearly half a century ago and literally dozens of respectable authors in the field of administrative law have since tried to set the record straight.

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BOOK NOTES AND BIBLIOGRAPHY

AMERICAN GOVERNMENT AND POLITICS

The American People in The Twentieth Century. By Oscar Handlin. (Cambridge: Harvard University Press. 1954. Pp. x, 244. $3.75.)

Many phases of the American past are today being reinvestigated and reinterpreted with unprecedented vigor. Reflecting perhaps a national loneliness and a longing for security in an imperfect world, Americans are more than ever inclined to ask questions about themselves. In line with this new interest, a prominent school of historians has been laying stress upon elements of uniqueness in American society. To the ever-increasing literature of assessment, Professor Oscar Handlin, Harvard historian and Pulitzer Prize winner, has made a notable and readable contribution. His book is one of the Library of Congress Series in American Civilization.

Professor Handlin views the American people in terms of their ethnic and national ancestries. These groups are the actors in the American drama. They respond primarily to external stimuli; to what extent they write the script is not especially clear, but the author feels that they have some effect. The principal purpose of the book is to analyze the impact in this century of major events—two wars, increased industrialization, depression, postwar reactions—on these various groups.

The collective impact of leading developments has, of course, been weighty, and the chronicle makes exciting reading. In general, the author finds that the pressures generated by external events have not only created new tensions but have also speeded up the process of assimilation and acculturation. The groups which have least benefited are Negroes and Mexican-Americans although in their cases, too, Professor Handlin calls attention to improvement in social status.

With the author, one takes pride in the successful chapters of the story, and one shares with him a feeling of shame at the more disgraceful episodes—race riots, bigotry, discrimination in education. Yet from the point of view of the social scientist, it is possible that more questions are raised than answered. For example, although the group analysis technique has many virtues, it is problematical whether sociologists would agree that the basic groups should be defined in terms of, say, national ancestry. This system of measurement is clearly lacking in precision.

There are other objections. One of the author's theses, although a secondary one in this book, is that immigration continually changes the national characteristics of Americans. Although they would concede that some superficial aspects had been affected, it is doubtful that cultural anthropologists would agree with this general proposition. At least they would have to be shown by a much more rigorous system of demonstration. For at this point the author runs counter to the usual American doctrine, that is, that immigrant groups were largely absorbed into the prevailing American mould and were, at varying speeds (in most cases), acculturized. No doubt the process is in fact tremendously complex and the elements interact, but accurate measurement will probably require sophisticated, perhaps even quantitative, methods from the social sciences as opposed to reliance exclusively on mere common-sense observation.

Again, from the point of view of the sociology of institutions, it would appear that the basic rules of the game were established at a relatively early stage of American national existence. While the ethnic composition of the American people has, of course, changed, and could under different immigration laws change in the future, the basic institutional patterns—legal and political—have remained fairly constant.

In the field of party politics political scientists have traditionally utilized the approach of Professor Handlin, as is illustrated by their use of the expression "politics of the melting pot." But they would be unlikely to place as much emphasis as Professor Handlin does on ethnically based associations to the exclusion of economic, patriotic, professional, and religious groupings.

Finally, it should be added that much more needs to be known about social mobility, class stratification, the transmission of ideas from elite to elite, and the relationships between personality traits and cultural patterns before any definitive analysis of acculturation under the conditions characteristic of American society can be written in scientific terms.

These are, however, long-range goals for

social science investigation. Professor Handlin's objective was much more limited. He set out to show how certain important developments affected various significant elements of the American population, and how these elements reacted to new situations and new tensions. In vivid language and with striking illustrations, he has done this in outstanding fashion. For its own content as well as its implicit challenges to further research, this study merits the attention of political and other social scientists. MURRAY S. STEDMAN, JR., *Swarthmore College.*

Special Groups: Special Monograph No. 10. BY THE SELECTIVE SERVICE SYSTEM. (Washington: Government Printing Office. 1953. Vol. I, Text. Vol. 2, Appendices A–G. Pp. xv, 212; viii, 217.)

This publication should be read by all persons who feel that the actions of Presidents Roosevelt, Truman, and Eisenhower in the area of civil rights have been prompted by the desire to sway the Negro vote in the great "pivotal" states during presidential elections. The text in Volume I reveals with candor the terrible burdens placed upon an agency recruiting men for war who have had their morale destroyed by racial discrimination. This document describes with sympathy the inequalities suffered by America's racial minorities in civil rights, job opportunities, and in education and other publicly provided services. It details the special hardships of American citizens of Japanese ancestry during World War II. It demonstrates that, in spite of these facts, the Selective Service System was able to provide a more than proportionate share of manpower from the Negro segment of the population, and especially capable fighting men from Indian, Japanese, and Filipino Americans.

Much of the report reveals through the publication of the original documents, especially in Volume II, the conflict between the Selective Service System on the one hand and the Army and the Navy on the other with regard to the nondiscriminatory use of the nation's manpower. The Selective Service System, bound by an act of Congress forbidding discrimination in the draft, was put in the position of recruiting on a nondiscriminatory basis for the Army which segregated, and the Navy which limited Negroes, for most of the war, to the ranks of messmen and ammunition handlers. The revealed record of chicanery, subterfuge, and improvisation, in which all of the agencies as well as the courts were involved, is enough to sicken those with the strongest stomachs. Now that all of the armed services, with the exception of the Navy in some respects, have abandoned segregation and discrimination with great success, it is clear that the events of the past were unnecessary.

Basically, the publication reveals that the United States is no longer in a position to waste manpower through social carelessness and the practices of racial discrimination. In 1940, the manpower pool in the age group from 21 to 35 was 16,565,137, of whom 1,765,917 were Negroes. Much of the effective potential of the group was lost because of poor education (a characteristic shared by Southern whites), the prevalence of social diseases, and bad morale resulting from racial discrimination. Disqualification for military service because of inadequate education has recently been reviewed by Eli Ginzberg in *The Uneducated.* Since the last conflict was a war to stop the spread of racism, it is probably true that the war which threatens would involve more acute questions of the morale of racial minorities. The Selective Service System's report reveals that once a conflict has begun, the risks of war make most agencies unwilling to assume the risks involved in changing racial patterns.

This small report makes clear again that equal duty and equal submission to the state require equal protection for the citizens by the state. *Special Groups* may well be read as a basis for understanding *To Secure These Rights.*—JOHN A. DAVIS, *City College.*

The American System of Government. BY ERNEST S. GRIFFITH. (London: Methuen & Co. 1954. Pp. vii, 202. 7s. 6d.)

Mr. Griffith, at one time a Professor of Political Science but now best known for his very successful direction and development of the Legislative Reference Service of the Library of Congress, lectured at Oxford and other British universities in 1951–52, and discovered that there were in Britain widespread "misconceptions and stereotypes" in respect to American government; he therefore wrote this summary analysis particularly for British readers; it is published as one of the Home Study Books, that excellent series edited by the Provost of University College of the University of London, Mr. B. Ifor Evans. In its scope, subject-matter, and order of treatment, this book is quite similar to the conventional

textbook on American government, but it differs, first, in its brevity, and, secondly, in its emphasis on a central theme. Its brevity necessarily imposes some regrettable limitations—the judiciary, for example, is treated in less than six pages; the effectiveness of the veto (including the threat of veto) is only hinted at; the party system is inadequately analyzed, although its main features, including its federal nature and its looseness, are noted. The author does, however, deal with the major features of American government, he is completely accurate in his description, and his analysis is most lucidly presented. For example, he sums up the differences between our Congress and the British Parliament in a short paragraph, with this neat characterization of Congress in the concluding sentence: "with party and bureaucracy less influential, independence a major factor, specialization a far greater element, and pressures from special interests more obvious and exercised mostly at a different stage in the process."

The central theme runs throughout the book, "that the American Government is largely a government of 'built-in' restraints," that these restraints are reflected in institutional balances and equilibria (between law and individual freedom, between national action and state-local vitality, between economic groups and their integration, between partisanship and independence, between congress and the President), and that these in turn produce what Mr. Griffith calls "government by consensus." This theme is not exactly new, but Mr. Griffith presses it hard and expertly, and out of it all he sums up the peculiar contribution of our constitutional system to representative government in this neat package: (1) orderly progress, without sharp class division; (2) the vitality of the lesser units of government; (3) adaptation to a multiplicity of issues, without surrender of integrity of intellect or conscience; (4) retention of the reality of elected representation in a technical and specialized age.

Although written for British readers, this book might profitably be used in American groups as well, and even in college and university courses on American government. It is packed with solid information, is systematically arranged, and has a distinguished literary style.—CLARENCE A. BERDAHL, *University of Illinois.*

The Collected Works of Abraham Lincoln. EDITED BY ROY P. BASLER; MARION DOLORES PRATT AND LLOYD A. DUNLAP, ASSISTANT EDITORS. (New Brunswick, N. J.: Rutgers University Press for the Abraham Lincoln Assn., Springfield, Ill. 1953. 8 vols. plus index vol. to follow. Pp. xxiii, 519; ix, 553; ix, 555; ix, 563; ix, 554; ix, 562; ix, 551; ix, 595. $115.)

Publication of this exceedingly handsome set, the first comprehensive and critical edition of Lincoln's works, is a major event in Lincoln and Civil War scholarship, and has been received accordingly. Witness a review article of 7,200 words by Edmund Wilson in *The New Yorker*, March 14, 1953; one of 2,900 words in *The Times Literary Supplement*, April 24, 1953; one of 7,200 words by T. Harry Williams in the *Mississippi Valley Historical Review*, June, 1953; and one of 3,400 words by David Donald in *American Historical Review*, October, 1953. The *Collected Works* display the highest of standards in the gathering, authenticating, and transcribing of documents; the editorial notes, though relatively less good, often quote from letters to Lincoln or other pertinent papers. The discovery or release of Lincoln items is, as the editors point out, bound to continue—a new group appeared in the Chicago *Tribune* and the New York *Times* in February, 1954. It is probable, however, that they will prove to be, like most of the large number of hitherto unprinted items in the *Collected Works*, exciting chiefly to persons engaged in detailed studies of Lincoln, and that with occasional supplementation the present collection will deserve the word "definitive" for a long time to come.

The close physical resemblance of the *Collected Works* to the Princeton edition of the *Papers of Thomas Jefferson*, now in progress, immediately suggests a comparison of the two. Four differences are readily evident: (1) Jefferson was prodigal of writing in many forms, Lincoln rather sparing; (2) Jefferson took part in great affairs for nearly half a century, whereas Lincoln was a figure of national standing for less than ten years; (3) the *Papers* include letters to Jefferson, whereas the *Works* are restricted, except in the notes, to Lincoln's own writings; (4) the editorial paraphernalia in the *Papers* is far more learned and elaborate than that in the *Works*. The cumulative effect of these differences will be to make the Jefferson record, when completed, several times as massive as the Lincoln record and a far greater contribution of new matter to American history. Needless to say this fact

does not detract from the fundamental importance of *The Collected Works of Abraham Lincoln.*—BARNES F. LATHROP, *University of Texas.*

American Demagogues: Twentieth Century. BY REINHARD H. LUTHIN. (Boston: The Beacon Press. 1954. Pp. xv, 368. $5.00.)

A competent capsule restatement of the careers of a variety of showy politicians joined together under the loose heading of "demogogues": Curley of Boston, Thompson of Chicago, and Hague of Jersey City; Alfalfa Bill Murray of Oklahoma, Marcantonio of New York, and McCarthy of Wisconsin; Huey Long, Gene Talmadge, Ma and Pa Ferguson, and Bilbo as spellbinders of the South. In spite of good intentions the author does not succeed in distinguishing with any precision demagogy from other forms of political methods and leadership. Although little new of substance is offered, the inclusion of an unusually far-ranging and thorough annotated bibliography will be of value to students of American politics.

America's Resources of Specialized Talent: A Current Appraisal and a Look Ahead. THE REPORT OF THE COMMISSION ON HUMAN RESOURCES AND ADVANCE TRAINING. PREPARED BY DAEL WOLFLE, DIRECTOR. (New York: Harper & Brothers. 1954. Pp. xviii, 332. $4.00.)

A significant analysis, making extensive use of statistical data, of America's resources of trained personnel and of educational trends in the specialized fields of the natural sciences, psychology, the social sciences, the humanities and arts, applied biology, health, business and commerce, and teaching.

Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase. EDITED BY DAVID DONALD. (New York: Longmans, Green and Co. 1954. Pp. ix, 342. $6.50.)

Voluminous extracts from these diaries of the Secretary of the Treasury and successor to Taney as Chief Justice have been in print since 1874, and the portion for July 21–October 12, 1862, amounting to about three-eighths of the whole, was published under scholarly auspices in 1903, but this deftly presented volume is the first complete and trustworthy edition. The diary is valuable especially for Chase's actions, observations, and opinions in relation to the conduct of the war, the Treasury Department, slavery and the Negro, Radical Republican politics, and Abraham Lincoln.

Capitol, Courthouse and City Hall. BY DAYTON D. MCKEAN AND ROBERT L. MORLAN. (New York: Houghton Mifflin & Company. 1954. Pp. 346.)

Contains well-selected, interesting readings in state government and the various types of local government. Selections are up-to-date, thought-provoking, and nontechnical. Emphasis has been placed on controversial, contemporary issues at each level of government.

Anglo-American Law on the Frontier: Thomas Rodney and His Territorial Cases. BY WILLIAM BASKERVILLE HAMILTON. (Durham: Duke University Press. 1953. Pp. x, 498. $12.50.)

The diary of Thomas Rodney, containing mainly four of his judicial notebooks of 1804–9 when he was territorial judge in Mississippi Territory. These are the earliest printed reports of Mississippi cases. In addition to editing the diary, Professor Hamilton has written chapters on the nature and place of the territorial courts, the establishment of law in the Mississippi Territory, and Rodney's career.

American Constitutional Law. BY NOEL P. DOWLING AND RICHARD A. EDWARDS. (Brooklyn: The Foundation Press. 1954. Pp. xxx, 899. $7.50.)

Successor to Dowling's four-editioned *Cases on Constitutional Law*, this volume covers the usual subjects, with emphasis on what the law has become, and on the trends in current decisions.

Our Needy Aged: A California Study of a National Problem. BY FLOYD A. BOND, RAY E. BABER, JOHN A. VIEG, LOUIS B. PERRY, ALVIN H. SCAFF AND LUTHER J. LEE, JR. (New York: Henry Holt & Company. 1954. Pp. xxx, 401. $4.50.)

Three pairs of economists, sociologists, and political scientists successfully conduct, in their own words, "an experiment in cooperative research" into the problems of old-age assistance in California. The result is a comprehensive analysis of value to students of social security which stresses history, law, finances, administrative structure, and the attitudes and activities of the aged.

Big Enterprise in a Competitive System. By A. D. H. Kaplan. (Washington: The Brookings Institution. 1954. Pp. xii, 269. $4.00.)

Described by the author as a "preliminary study" and as "essentially an essay at orientation," this volume re-explores the degree to which large-scale business in the nonregulated sector of the economy operates in harmony or in conflict with the objectives of competitive private enterprise.

American Farm Life. By Lowry Nelson. (Cambridge, Mass.: Harvard University Press. 1954. Pp. viii, 192. $3.75.)

This readable analysis of the several aspects of farm life includes chapters on farm organizations and the relation of farmers to the local and federal governments, reveals much about the "new" farmer, and concludes with comments on the "growing likeness of rural and urban peoples."

Presidential Politics in Louisiana, 1952. By Vaughan L. Howard and David R. Deener. (New Orleans: Tulane University. 1954. Pp. 112. $2.00.)

This study, which inaugurates the Tulane Studies in Political Science, is a modest expansion of the authors' contribution to the recently published five-volume *Presidential Nominating Politics in 1952.* Descriptive in method and style, the volume concludes with a brief analysis of the 1952 presidential election in Louisiana and with a pessimistic estimate of the chances for a two-party state in the foreseeable future.

The Life and Times of a Happy Liberal: A Biography of Morris Llewellyn Cooke. By Kenneth E. Trombley. (New York: Harper & Brothers. 1954. Pp. xvii, 270. $4.00.)

A genial and highly-personalized story of the career of a citizen-public servant known for his activities in the fields of conservation of natural resources, rural electrification, and labor-management relations.

The Age of Suspicion. By James A. Wechsler. (New York: Random House. 1953. Pp. 333. $3.75.)

The editor of the New York *Post* tells the story of his life to 1953 in three parts: "The Age of Rebellion," in which he became a member of the Young Communist League; "The Age of Responsibility," from his resignation from the party at 22 through his associations with the *Nation*, *PM*, and ultimately as the editor of the New York *Post*, during which period he fought communism; and "The Age of Suspicion," in which he came under investigation by Senator McCarthy.

Yankee Reformers in the Urban Age. By Arthur Mann. (Cambridge: The Belknap Press of the Harvard University Press. 1954. Pp. x, 314. $5.00.)

A rich historical study of various Boston reform groups of the period 1880 to 1900. The author seeks in part to prove that modern liberalism has urban as well as rural roots.

My Hero: The Indiscreet Memoirs of an Eventful but Unheroic Life. By Donald R. Richberg. (New York: G. P. Putnam's Sons. 1954. Pp. viii, 367. $5.00.)

A personal commentary on twentieth-century American politics and politicians by a present-day conservative who labored mightily for liberal reform before and during the New Deal era.

SELECTED ARTICLES AND DOCUMENTS ON AMERICAN GOVERNMENT AND POLITICS

FRANKLIN L. BURDETTE
University of Maryland

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FOREIGN AND COMPARATIVE GOVERNMENT

The Foundations of Local Self-Government in India, Pakistan and Burma. By Hugh Tinker. (London: The University of London, The Athlone Press. 1954. Pp. xxiv, 376. $7.00.)

The newly independent states of India, Pakistan, and Burma are experiencing serious difficulties in their attempts to breathe life into institutions of local government. They can derive many lessons—and warnings—from a study of the role of such institutions during the British period. Material on this subject is voluminous indeed, but few comprehensive accounts of an objective nature are available. Dr. Tinker's monograph is perhaps the best single volume on this important if "somewhat humdrum subject." The author had had practical experience in local government service in both India and Great Britain, and he has examined the pertinent documents with meticulous care. The result is a volume which will be a useful reference work for all students of governmental institutions and practices in South Asia and of local government generally.

An Indian political scientist might conclude that the British scholar has placed an undue share of the blame for the many shortcomings of local government in India on Indian "apathy" and resistance to change. He might feel that Dr. Tinker has demonstrated bias in ascribing the failings of local authorities under Dyarchy in large measure to the activities and attitudes of Nationalist politicians, and he might resent Dr. Tinker's assertion that by their attitude toward institutions of local government these politicians "opened up floodgates which they were unable to close at will." But there is certainly some basis for these views, and Dr. Tinker leans over backwards in stressing sins of omission and of commission of the British, whether in London or in India, in attempting what Lord Hailey in a Foreword to this volume calls "in effect the deliberate introduction to India of an institution of a purely western type." Dr. Tinker points to the clear lesson "that attempts to endow other nations with an English system of representative government run the risk of passing on all the failings and temptations of democracy, while there is no guarantee that other nations will evolve the same safeguards which have emerged from the English social system." The wisdom of this conclusion has nowhere been more amply demonstrated than in the great political laboratory that is India.

In his detailed study of the system of local government during the years of official tutelage and during the Dyarchy period Dr. Tinker finds far more shortcomings than achievements. In his concluding chapter he observes that "perhaps more weight should have been given to its successes." But the record which he presents speaks for itself; to quote the prize understatement of the book, it "is not a record of bold development or striking achievement." Almost every page of the volume contains evidence of the pervasive and baleful effects of two great barriers to progress in local government, namely "the constant pressure of inadequate funds, and the constant lack of harmony between social prejudice and custom, and alien administrative and technical methods." Here we find the central theme of the study, which gives meaning and significance to a formidable marshalling of evidence which would otherwise seem pedantic and unrewarding. Here also we find a reminder of the value of such a study for independent India, Pakistan, and Burma.

This book stemmed from a doctoral dissertation, and it still bears the stamp of its original purpose. It was selected as the first volume in a new series of University of London Historical Studies. Judging from the initial selection, this new series will be a distinguished one; but unless future volumes are less detailed and are made available at a more reasonable price,

they will have a very limited circulation indeed.—NORMAN D. PALMER, *University of Pennsylvania.*

Politics in Post-War France: Parties and the Constitution in the Fourth Republic. BY PHILIP WILLIAMS. (London, New York and Toronto: Longmans, Green and Company. 1954. Pp. xiv, 500. $7.00.)

The flow of British books on the Fourth Republic threatens at times to become a flood. Fortunately for the harassed specialist, most of these books have been of high quality and have contributed fresh information or viewpoints. Mr. Williams's study is no exception: it ranks as one of the very best. No student of France, no teacher of European government can afford to ignore it.

The subject of the book is the French parliamentary system as it operated from 1947 through 1953. Approaching his material topically rather than chronologically, the author crisscrosses those crowded years with painstaking accuracy and with sharp insight. His first task is to analyze the machinery, composition, and changing fortunes of each of the parties. Next he examines the constitutional structure and traces the evolution of the various organs of government. Finally he turns to that broader complex which he labels "the political system," and seeks to explain the spirit and the dynamics of contemporary French politics.

Each of these three major sections is a valuable contribution. The analysis of parties is the most detailed and up-to-date survey available in English. The section on parliamentary mechanics is lucid and thorough. And the synthesizing chapters on the nature of French politics contain some remarkably perceptive comments, as well as some fresh information (e.g., on the role of pressure groups). Throughout the book the author's own interpretations are skillfully interwoven with the views of the ablest French and Anglo-Saxon scholars in the field: Goguel, Fauvet, Duverger, Lidderdale, *et al.*

"It is the fundamental argument of this work," remarks the author, "that the difficulties of French government are due to historical and social, rather than to constitutional or temperamental factors." Many Frenchmen, and perhaps even more non-Frenchmen, will balk at Mr. Williams's basic premise. This reviewer (perhaps revealing the historian's professional bias) accepts it as sound, and believes that the author argues his case effectively. Like François Goguel, Mr. Williams traces the problem to a socio-economic rather than an institutional root: to the political dominance of "static" over "dynamic" France. While he makes no attempt to gloss over the structural weaknesses in the French governmental system, he does offer a well-reasoned answer to its more rabid critics.

Some readers will doubtless regret Mr. Williams' decision to omit any extended discussion of such important subjects as administration and justice, the press and the army, labor and the Church, and France overseas. Such breadth, however, could have been gained only at the expense of depth in the areas which the author has chosen to examine. A scholar who delimits his subject and stays within those limits would seem to deserve more praise than blame. Praise is due, too, for the book's vigorous, readable style, without which so painstaking an analysis could have become irretrievably dull. Even the elaborate and useful index is enlivened by occasional flashes of wit.—GORDON WRIGHT, *University of Oregon.*

The Political Control of Czechoslovakia. BY I. GADOUREK. (Leiden: H. E. Stenfert Kroese. 1953. Pp. xiv, 285.)

A recent witticism from behind the Iron Curtain defines totalitarian communism as a system where "what is not prohibited is mandatory." Mr. Gadourek's study of the all-pervading pattern of controls with which the communist rulers enmesh virtually all spheres of Czechoslovakian life, bears out how much the witticism corresponds to reality.

Drawing both upon communist sources, such as newspapers, books, collections of laws, and transcripts of Czechoslovakian radio broadcasts, and upon information supplied by anti-communist resistance groups and refugees, the author analyzes the organizational and operational pattern of communist controls and assesses their impact upon the society and upon the individual.

He divides the study into two uneven parts. The first part, which covers two-thirds of the volume and is entitled "Description," consists actually of a general survey of the political, economic, and social system of Czechoslovakia as it developed during the first four years of communist rule. It deals with such matters as the structure and organization of the Communist party, the organs of government, sundry aspects of the economy, education, religion, science and arts, recreation, and "morals." While the first part of the book purports to "describe the sociological events

in their contexture," the second part, styled "Conceptualization," is designed to "cope with our subject in a more systematic way while applying to the empirical data our theoretical concepts."

The author's main conclusions may be summarized roughly as follows: The ultimate agency of political control over Czechoslovakia is actually the leadership of the Communist party of the USSR, acting mainly through the Political Bureau of the Central Committee of the Communist party of Czechoslovakia. The latter in its turn operates through a cluster of other groupings and uses a whole series of methods and devices ranging from physical coercion through economic intimidation to incessant indoctrination and clever exploitation of symbols. The result in due time will be a "retardation of the process of culture formation" which will lead to "arrested culture-growth" in Czechoslovakia. On the other hand, "in spite of the universalistic and monopolistic character of the communist control-pattern," there still exists some "space outside the primary control," mainly in the family and various "informal" groups.

Mr. Gadourek's work is a sociological study and its merits or demerits as such must be appraised by sociologists. However, the fact that its subject-matter is of serious concern to students of government—indeed more of its pages are devoted to an exposition of the Czechoslovakian political and economic system than to sociological analysis—warrants evaluation by a political scientist. Unfortunately, such an evaluation reveals a number of weak spots. In the "descriptive" part of the book the author deals with many things which have little or no bearing upon his main topic, i.e., the study of political controls. He often resorts to lengthy quotations which are interesting *per se*, but mar the smooth flow of the narrative, and sometimes lack pertinence. The same is true of the author's excessive use of illustrative details, which ought to be used as sparingly as salt or spices. Several of his diagrams contribute little toward the reader's better understanding of what the author intends to prove. Some of his self-addressed questions, such as whether the communist controls are "consciously planned" or rather of "unconscious nature" (p. 182), and whether they are "more or less centralized" or rather of "a decentralized, diffused character" (p. 183), are somewhat superfluous, to say the least.

In spite of its shortcomings, Mr. Gadourek's study brings together much useful material on communist controls in Czechoslovakia and the book will certainly be of interest to students of present-day politics in the "Middle Zone" of Europe.—Eduard Taborsky, *The University of Texas.*

Allgemeines Verwaltungsrecht. By Walter Antoniolli. (Wien: Manzsche Verlags- und Universitätsbuchhandling. 1954. Pp. xx, 325. $5.30.)

Publications of the staff members of the universities of Central Europe, once notable on the basis of quantity and frequently quality, have been few and far between during the last generation. The appearance of a volume such as this from the pen of a professor at the University of Innsbruck who is also a member of the Austrian Constitutional Court indicates the progress which some of the universities at least have made toward recovering something of the stability of an earlier period. Naturally the first postwar publications tend to be aimed at meeting the practical need for up-to-date textbooks, handbooks, and the like and the book under review falls into that category. Professor Antoniolli, like his American colleagues, has doubtless found it difficult to train young lawyers and civil servants without well-organized and up-to-date printed material and he has sought to remedy the situation by preparing a general statement of Austrian administrative law.

While it is not always easy for an American academician to see clearly the detailed operation of university instruction in Central Europe, it would seem that Professor Antoniolli has been successful in his undertaking. His book is well-organized and comprehensive; the material is clearly presented; there are adequate footnotes; and numerous bibliographical references are made to other works both prewar and of recent date. Emphasis is placed on the practical aspects of administrative law rather than on theory and the author indicates indebtedness to various public officials. At the same time he has not ignored the standard works in the field produced by such authorities as Adamovich, Forsthoff, W. Jellinek, and Merkl.

As may be expected, the general plan of the book follows legal patterns somewhat more closely than political science interests as they are conceived in the United States. Nevertheless, political scientists will find much to interest them and this book should be a useful guide to current administrative law in Austria. —Harold Zink, *Ohio State University.*

De Ontwikkeling van het minister-presidentschap in Nederland, België, Frankrijk, Engeland en enige ander landen. By E. van Raalte. (Leiden: Universitaire Pers Leiden. 1954. Pp. 226. Fl. 9.80.)

The author describes the development since 1917 of the position of the "minister-president" in the parliamentary system in the Netherlands from that of a *primus inter pares*, periodically elected by his peers to preside over their meetings, to that of a leader of government, appointed by the Crown in accordance with the party make-up of parliament, for the duration of his tenure of office. A survey of parallel developments in Belgium, France, and England during the same period and brief descriptions of the present position of the comparable heads of government in Western Germany, Soviet Russia, and Ireland provide interesting material for comparison.

Although the author explicitly points out differences between practice and law, his emphasis is clearly on the legal aspects of his subject.

There are summaries in English and French and an index.—J. F. G. van Loon, *Harvard University.*

Canadian Municipal Government. By Kenneth Grant Crawford. (Toronto: University of Toronto Press. 1954. Pp. xiv, 407. $7.50.)

The first systematic study of this subject. The author brings to his task a long experience as both teacher and practitioner of municipal government. He pays little attention to the counties and special districts but provincial-municipal relations are amply treated, and the examination of the various forms of government and administration in the cities of Canada will satisfy a long-felt need.

Public Administration in India: Report of a Survey. By Paul H. Appleby. (New Delhi: Cabinet Secretariat, Government of India, Manager of Publications. 1953. Pp. ii, 66.)

This appraisal of the theory and practice of public administration in India by a leading American student of public administration includes a critical analysis of federal administrative problems relating to economic development and social welfare. The commentary gives attention to traditional patterns of administration in India and outlines some suggestions for improvement. The author's recommendation that a research Institute of Public Administration be founded has since been accepted.

Democratic Government in India. By N. Srinivasan. (Calcutta: The World Press, Ltd. 1954. Pp. 404. Rs. 10/-.)

The second volume of a study of British rule in India by a distinguished British civil servant who served in India from 1928 to 1947. Covering the period from 1858 to 1947, this book is an illuminating and scholarly account of the many civil wars from which both Britain and India emerged with greater respect for each other.

The Men Who Ruled India: The Guardians. By Philip Woodruff. (New York: St. Martin's Press. 1954. Pp. 385. $5.00.)

A comprehensive textbook on the government of India giving considerable attention to the political heritage of Hindu and Muslim India and to British control of India. The excellent analysis of the Constitution of India is accompanied by comparisons with the constitutions of other nations.

The Prime Minister. By V. Venkata Rao. (Bombay: Vora & Co., Ltd. 1954. Pp. 82. Rs. 3/12.)

A brief and formal compilation of data on the prime minister—the office, powers, dismissal, etc.—selected chiefly from British experience, and secondarily from the experience of the other members of the Commonwealth and France.

Le Parti Socialiste Suédois: Son Organisation. By Raymond Fusilier. (Les Éditions Ouvrières. 1954. Pp. iii, 372. 900 fr.)

This volume, with a preface by Guy Mollet, the Vice-President of the Socialist International and President of the Consultative Assembly of the Council of Europe, is a carefully prepared description and analysis of the organization of the Swedish Socialist party. Its relationships with the trade unions, the age and sex composition of its adherents, the geographical distribution of its voters, and the background of its leaders are given special attention. The political successes of this Socialist party in Sweden, especially during the past twenty years, may be explained in part by its composition and organizational features, which are described in considerable detail by the author.

The Death of the Fourth Republic. By Ronald Matthews. (New York: Frederick A. Praeger. 1954. Pp. 318. $5.00.)

The Paris correspondent during 1944–53, first of the *London Daily Herald* and later of

The Birmingham Post, provides a journalistic account of the events which resulted in the "betrayal" of the Liberation and the "murder" of the Fourth Republic. There was no single murderer, said he, "merely a set of muddling midwives. Their blameless intentions and their clumsy hands have brought France to the pass where a patriot as pure as Pierre Mendès-France can ask whether democracy can really be made to work there."

De Karl Marx a Léon Blum: La Crise de la Social-Democratie. By Milorad M. Drachkovitch. (Geneva: Librairie E. Droz. 1954. Pp. 180.)

This study, as Volume VII in the "Studies in Economic, Political, and Social History," which are published under the editorship of Jacques Freymond and Jacques L'Huillier, is a critique of the modern socialist movement. Its subtitle, "La Crise de la Social-Democratie," suggests the nature of the conclusions by the author after tracing the ideological developments and conflicts from the heritage of Marx and Engels in the nineteenth century to the recent period. This work, which was prepared at the College of Europe in Bruges, Belgium, has a preface written by the Rector of the College, M. Hendrik Brugmans.

The French Revolution, 1788–1792. By Gaetano Salvemini. (New York: Henry Holt & Company. 1954. Pp. 343. $5.00.)

First published in Italy in 1905, this book has gone through a number of editions. This, the first English edition, is a translation by I. M. Rawson of a specially prepared text which was based on the Italian edition of 1949, a text which contained some new material and emendations.

The Formation of the Soviet Union: Communism and Nationalism, 1917–1923. By Richard Pipes. (Cambridge: Harvard University Press. 1954. Pp. xii, 355. $6.50.)

This volume, No. 13 of the Harvard Russian Research Center Studies, is a scholarly history of the developments of the period 1917–1923 which saw the disintegration of the Russian Empire and the rise of the U.S.S.R. The emphasis is placed upon the political aspects of the national movements in the borderland areas. No attention is given to national groups, such as the Finns and the Poles, who were separated from Russia during the period of the Revolution. The story of this period involves the relationships of the Bolsheviks, who were prepared for revolution and were organized to exercise power when secured, and the internally divided and ideologically split nationalist movements. The ineptness of the White generals contributed to the vigorous efforts of the Bolsheviks to win the nationalist sympathies during the conflict between the Bolsheviks and the nationalists in the border areas after the October Revolution. In the end the Bolsheviks were successful, even though "their entire approach to the national idea . . . made the Bolsheviks perhaps the least qualified of all the Russian parties (save for those of the extreme right) to solve the national problem." As it finally appeared in 1923, "The Soviet Union . . . was a compromise between doctrine and reality: an attempt to reconcile the Bolshevik strivings for absolute unity and centralization of all power in the hands of the party, with the recognition of the empirical fact that nationalism did survive the collapse of the old order. It was viewed as a temporary solution only, as a transitional stage to the completely centralized and supra-national world-wide soviet state."—R.T.C.

W. Imieniu Rzeczypospolitej. By Stefan Korboński. (Paryż: Instytut Literacki. 1954. Pp. 491.)

Mr. Korboński, an eminent personality of the Polish Underground Movement in the period of 1940–44 (presently residing in the United States) describes with the insight of a first-hand observer the functioning of the underground apparatus of justice, and the mechanics of liaison work on the top and grass-root levels. The period under consideration is 1940–1945, but the reader is led through the subsequent political developments in Poland to 1947.

The writer's sensitivity in pointing to incentives and motivations behind human actions in such a peculiar set of conditions as the underground movement produces enhances the value of his description.

Malaya: Communist or Free? By Victor Purcell. (Stanford: Stanford University Press. 1954. Pp. 288. $3.00.)

An authoritative well-written volume by the leading British authority on Malaya. After a careful review of the history of Malaya, Dr. Purcell analyzes British rule there and shows the seriousness of the Communist menace. The most certain way of preventing Communist domination of Malaya, he asserts, is to grant that country its independence.

Ting Hsien: A North China Rural Community. By Sidney D. Gamble. (New York: Institute of Pacific Relations. 1954. Pp. xxv, 472. $6.50.)

An English summary (with some new statistical material) of the three-volume Chinese study which was directed by Sidney D. Gamble, a social scientist long familiar with China. Between 1926 and 1933 a survey was made, in cooperation with the Mass Educational Movement, of the government, education, agriculture, religion, family life, recreation, and other phases of this North China "county." The book is entirely descriptive and contains a wealth of data about an area now changed by the Japanese invasion, civil war, and a revolutionary Communist government.

China's March toward the Tropics: A Discussion of the Southward Penetration of China's Culture, Peoples, and Political Control in Relation to the Non-Han-Chinese Peoples of South China and in the Perspective of Historical and Cultural Geography. By Herold J. Wiens. (Hamden, Conn.: The Shoe String Press. 1954. Pp. xv, 441. $7.50.)

A study of the migration of the Han Chinese to the southern areas of China, including geographical and historical patterns.

Theodor Heuss, Ein Lebensbild. By Hans-Heinrich Welchert. (Bonn: Athenäum-Verlag. 1953. Pp. 232).

Theodor Heuss: Die Literarische Gestalt. By Margaret Boveri. *Bibliographie der Schriften und Reden von Theodor Heuss und Elly Heuss-Knapp.* By Walter Prinzing. (Stuttgart: Friedrich Vorwerk Verlag. 1954. Pp. 302.)

Two detailed and friendly biographies dealing with the career and writings of the recently re-elected President of the German Federal Republic. They offer ample evidence of the profound democratic and liberal views held by Dr. Heuss through the course of his meteoric rise from editor-in-chief and University teacher to President. His forced retirement from public life during the Nazi era gave him a chance to write several biographies. A comprehensive bibliography of his and his late wife's writings and speeches is included in the Boveri study.

The Governments of Europe. By William Bennett Munro and Morley Ayearst. (New York: The Macmillan Company. 1954. Pp. ix, 796. $6.50.)

A revision of a well-known text. The emphasis is still placed on the governments of Great Britain and France, to which 32 of the 45 chapters of the book are devoted. Germany, Italy, and Russia receive more limited attention. The final two chapters are on the "Lesser Governments," including Japan.

Economic Planning Under Free Enterprise. By Henry Grayson. (Washington: Public Affairs Press. 1954. Pp. x, 134. $2.00.)

A brief summary of planning and forecasting in the United States, Canada, Great Britain, Sweden, and the O.E.E.C. countries.

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INTERNATIONAL LAW AND RELATIONS

Prelude to Point Four: American Technical Missions Overseas, 1838–1938. By Merle Curti and Kendall Birr. (Madison: The University of Wisconsin Press. 1954. Pp. xi, 284. $5.00.)

The problem of the impact of American aid on foreign cultures since World War II has been of particular interest to sociologists and economists. Little attention has been given to the history of earlier American efforts even by such significant works as Eugene Staley's *The Future of Underdeveloped Countries* and the University of Chicago symposium, *The Progress of Underdeveloped Areas*, edited by Bert F. Hoselitz. The present study fills this gap in our knowledge of technical assistance.

The object of the study is to test the assumptions which underlay President Truman's message on Point Four, namely that technical assistance would help defeat poverty abroad, that it would win allies for the United States in the cold war, and that international amity would be promoted. To carry out this objective the authors made a careful survey of each American official technical mission from 1838 to 1938, the last year for which they could gain access to official materials. They give particular attention to the origin and objectives of the mission, the means pursued, and the people used to carry out the objectives. In a final chapter there is a cautious yet courageous extraction of the lessons to be learned, for as the authors state, they do not want it said that " 'history teaches nothing save that history teaches nothing'."

Their conclusions, while not unexpected, merit careful attention. They find that missions which were motivated purely by scientific curiosity were more successful than those designed primarily to serve the political interests of the United States. Missions invited by foreign governments seemed to have better chances for success than those initiated by the United States. Curti and Birr dissent from the suggestion made by H. B. Allen in his *Rural Reconstruction in Action* that comprehensive programs are more likely to succeed than piecemeal ones. This is sometimes true, they assert, but much depends on other factors. No clearcut conclusion can be drawn that previous missions actually ameliorated poverty, though it is clear that certain groups were benefited by educational and governmental reforms. As for enhancing the American reputation abroad, the authors conclude that "technical aid abroad is no sure method of improving international relations. Such missions almost inevitably generate opposition, and opposition breeds discontent and conflict."

Yet any effort to relate these conclusions to our present Point Four efforts is fraught with difficulties. The scale of our present effort is far greater than any surveyed by Curti and Birr. Moreover, the context of a polarized world is a factor absent from the earlier efforts. Both of these are variables which make analogies impossible. The lessons that can perhaps be applied with greater certainty are these: that missions should be very carefully planned, and that they should consider with sympathy and understanding the culture pattern in which they are to work. These are old truths but it is good to have their validity sustained by our historical experience.—Ralph Braibanti, *Duke University.*

Shirt-Sleeve Diplomacy: Point 4 in Action. By Jonathan B. Bingham. (New York: The John Day Company. 1954. Pp. xiv, 303. $4.00.)

One can only endorse the publisher's claim that this is "a forthright, honest, and constructive book that no one concerned with the world's welfare, and our own, can afford to overlook."

Mr. Bingham was Deputy (and, for a time, Acting) Administrator of the Technical Cooperation Administration during the last year and a half of the Truman Administration. Dealing mainly with the Point Four program of this period, he thus writes on the basis of intimate knowledge. There are chapters on the background of experience gained in Point Four type programs in Latin America during and after the war; on typical problems of a "shirt-sleeve diplomat" in a mythical Middle Eastern country; on efforts in underdeveloped areas to increase agricultural production, improve public health, and extend education; on developing community organizations and strengthening democracy; and on a series of problems and illusions which Americans confront in their own thoughts and actions relating to Point Four. There is scarcely any autobiography as such; the focus is on Point Four and not on Mr. Bingham. The book is written in a delightful style, with flashes of precious humor here and there.

Several points may be of special interest to political scientists. The technical assistance program includes assistance in the field of public administration, Mr. Bingham declaring that in both the Philippines and Formosa "more United States experts will be at work in 1954 in public administration than in any other field." He feels that the United States should favor an extension of the technical aid activities of the United Nations, provided that the American contribution be limited to 50 per cent or 60 per cent of the total, but opposes channeling the whole program through the UN. He refuses to take the "big-money boys" seriously, deriving some amusement from "the liberal's touching faith in the dollar." "Perhaps the most generally overlooked fact about the capital shortage of the underdeveloped areas is that generally speaking it is not so much dollars that are needed as, say, rupees, or rials, or cruzeiros." Nevertheless, he fears that the real danger is that the United States will spend too little rather than too much on technical aid.

Mr. Bingham inspires cautious confidence that a Point Four type program can achieve significant results, serving mutual interests of the United States and the countries aided, at far less than a prohibitive cost.

Though brief, the book is excellent, with much to offer both to the expert and to the lay reader.—VERNON VAN DYKE, *The State University of Iowa.*

American Foreign Policy: Formulation, Principles, and Programs. By RICHARD C. SNYDER AND EDGAR S. FURNISS, JR. (New York: Rinehart & Company, Inc. 1954. Pp. xviii, 846. $7.00.)

A remarkably all-inclusive and well-written new text: U. S. prewar policy since 1898 is summarized in 50 pages; the concluding 250 pages treat postwar policy from both problem and area standpoints, and the lengthy middle section attempts to analyze and explain the incredibly complex nature of the structure and process of U. S. foreign policy making.

Contemporary International Relations. Third Series. EDITED BY NORMAN J. PADELFORD AND SARA L. KRINER. (Cambridge: Harvard University Press. 1954. Pp. xi, 388. $3.00.)

A paper-bound collection of collateral readings, most of them written since 1952, arranged to illuminate the various aspects of the study of international politics: geography, population, economics, nationalism, policy formulation, search for security, international organization, etc.

The Japanese and Sun Yat-sen. By MARIUS B. JANSEN. (Cambridge: Harvard University Press. 1954. Pp. viii, 274. $4.00.)

A valuable analysis of the relations between Sun Yat-sen and his Japanese supporters between 1895 and 1915. In describing these relations the author also analyzes the elements in modern Japanese society which have stimulated a concern for revolutionary movements in foreign countries. Some of the source material used was secret correspondence between the Japanese Foreign Ministry and Dr. Sun.

India and the United States of America: A Study of International Relations. By NARESH CHANDRA ROY. (Calcutta: A. Mukherjee & Co., Ltd. 1954. Pp. 91. Rs. 3.)

Three short essays, tracing the development of Indian-United States relations and explaining the broad outlines of policy and motives of the two nations.

The Indian Year Book of International Affairs: 1953. (Madras: University of Madras, The Indian Study Group of International Affairs. 1953. Pp. x, 509. Rs. 10.)

The second annual volume in this series ranges widely, within the limits set by the three divisions: Economics, International Relations, and Legal Problems. The majority of essays concern Indian conditions, problems, policies and legal developments, but there are pieces on Siam and Burma, and some studies concerning Asian and general world issues.

Documents on International Affairs, 1939–1946. Vol. II. Hitler's Europe. SELECTED AND EDITED BY MARGARET CARLYLE. (New York: Oxford University Press. 1954. Pp. xx, 362. $6.10.)

A useful collection, arranged to parallel the *Survey* volume in the Royal Institute's series. The emphasis is on German materials relating to the occupied countries and to political developments within those areas.

Modern American Diplomacy. By EDWARD O. GUERRANT. (Albuquerque: The University of New Mexico Press. 1954. Pp. xiv, 318. $6.00.)

A survey of American foreign relations from the turn of the century to the inauguration of Eisenhower, accomplished by linking significant documents with brief background mate-

rial and commentary. A selective bibliography is included.

The Principles of World Citizenship. By L. Jonathan Cohen. Oxford: Basil Blackwell. 1954. Pp. viii, 103. 10s. 6d.)

This is a closely-reasoned, stimulating philosophical essay on the meaning of world citizenship.

The United States in a Changing World: An Historical Analysis of American Foreign Policy. By James P. Warburg. (New York: G. P. Putnam's Sons. 1954. Pp. xv, 496. $5.75.)

A semi-popular study which attempts to show that many of the problems in American foreign policy result from a shift of power to the legislative branch, as well as from a lower quality of information on foreign countries and lessened public interest in foreign affairs. The historical analysis undergirding these conclusions, however, seems somewhat strained.

Oil Diplomacy: Powderkeg in Iran. By Nasrollah Saiffour Fatemi. (New York: Whittier Books, Inc. 1954. Pp. xxix, 405. $4.50.)

An Iranian statesman and scholar traces the intricate relations between his nation and Western countries. This is a rather impassioned plea for settlement of the oil problem so that Iranian wealth may be more equitably distributed and a democratic government may be attained.

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POLITICAL THEORY, RESEARCH, AND METHODOLOGY

Studies in the Scope and Method of "The Authoritarian Personality": Continuities in Social Research. EDITED BY RICHARD CHRISTIE AND MARIE JAHODA. (Glencoe, Illinois: The Free Press. 1954. Pp. 279. $4.50.)

This volume is a critical analysis of *The Authoritarian Personality*[1] and the substantive and methodological problems raised by this pioneering work. Initially conceived as a study of prejudice, *The Authoritarian Personality* emerged as a broad exploration of the relationships among personality, social discrimination, and political ideology. The authors of that volume presented a wealth of empirical data to support the hypothesis that a relatively consistent syndrome of attitudes is present in the personality structure of power-centered individuals. As Marie Jahoda points out in her introduction to the volume under review, this required the methods of clinical psychology applied to the whole person in the psychodynamic sense rather than the measurement of a single attitude in the cluster of socio-political responses of a given individual. Five chapters in this present volume explore the ramifications of this complex technique in social science research.

Of particular interest to political scientists is Edward A. Shils' chapter, "Authoritarianism: Right and Left," in which he takes issue with the sharp dichotomy between personality structures of the extreme "right" and the extreme "left" assumed by the authors of *The Authoritarian Personality*. His criticism concludes that "the questionnaires were designed to disclose not the authoritarian personality as such but rather the 'Right'—the nativist-fundamentalist Authoritarian. This . . . rested on the proposition that political opinions are distributed on a unilinear scale and that the Left being at the other end of the scale from the Right was of necessity its opposite in every respect. . . . The investigators have failed to observe that at the Left pole of their continuum, there is to be found an authoritarianism impressively like the Authoritarianism of the Right" (p. 38).

In a seventy-two page "Methodological Critique," Herbert H. Hyman and Paul B. Sheatsley present a review of the major research steps involved in *The Authoritarian Personality*, which could well be required reading on research projects of this type. They are critical on various counts. They believe that many of the procedures used were not the most efficient; that the "findings rest on an admittedly unrepresentative sample, from which large generalizations are incautiously drawn" (p. 118); that in the measuring instruments no provision was made for the expression of a qualified or ambivalent opinion; that in analyzing the data no control was exercised over the variable factor of formal education. They conclude that the data do not support the authors' hypotheses because "the mistakes and limitations uniformly operate *in favor* of the authors' assumptions and cumulatively they build up a confirmation of the theory which, upon examination, proves to be spurious" (p. 121).

Richard Christie's chapter on "Authoritarianism Re-examined" reviews various studies since *The Authoritarian Personality* which have advanced or modified the original conclusions. Among other things, recent findings suggest that *The Authoritarian Personality* over-emphasized personality structure as a determinant of potential fascism and ethnocentrism and discounted too much factors in the contemporary social structure.

With special reference to the scientific study of politics, Harold Lasswell presents a series of subjects and hypotheses for further research in a chapter entitled "The Selective Effect of Personality on Political Participation." Are there discernible correlations in the personality structures of politicians? Do factors in the authoritarian personality exercise an important selective effect on the choice of political roles among the active elite of government and parties? He offers a schema for further research in the development of political personality along with a series of hypotheses which suggest that the authoritarian or power-oriented personality is less prevalent in the higher echelons of political life than might be supposed.

A final chapter by Else Frenkel-Brunswik (herself a contributor to *The Authoritarian Personality*) discusses some current studies on social discrimination in children and adolescents, and also the views of the Nazi psychologist Jaensch. In both instances she finds evidence confirming the syndrome of attitudes described in *The Authoritarian Personality*.

An impressive amount of critical evaluation has been contributed by the authors, and this

[1] T. W. Adorno, *et al.*, *The Authoritarian Personality* (Harper & Bros., N. Y., 1950).

should be of substantial value to further research in the dynamic area of political behavior.—LANDON G. ROCKWELL, *Hamilton College.*

The University Teaching of Social Sciences: Political Science. By WILLIAM A. ROBSON. (Paris: UNESCO. 1954. Pp. 249. $1.50.)

This report might well have as subtitle "A Plea for the Defense," for it is written on the apparent assumption that Political Science as a discipline is on the defensive. It is assailed on all sides, from the lawyers on the right to the sociologists on the left, the one saying that Political Science is but a pseudonym for Public Law and the other that everything dynamic in the discipline is Sociology under another name. Moreover, Political Science suffers not only from external assault but also from subversion and separatism within. Public Administration has long since declared its independence, Public Finance has denounced its ancient allegiance to Political Science in order to "join up" with Economics, International Relations is held in most uncertain bonds, and Politics, both Pressure and Party, Public Opinion, and Public Policy are forming offensive and defensive alliances with Sociology against Political Science.

Professor Robson's review of this sorry state of things is the outgrowth of a study concerning the teaching of Political Science in eight countries, sponsored by UNESCO and undertaken by the International Political Science Association in 1951. The Robson volume is in part based on reports by a distinguished panel of political scientists, including Marshall Dimock, U.S.A.; M. J. M. Mackenzie and A. H. Hanson, Great Britain; J. Chapsal, France; E. Hastad, Sweden; S. V. Kogekar, India; L. Mendieta y Nunez, Mexico; S. Ehrlich, Poland; and A. El Emary, Egypt. The project included a round-table conference of some 15 political scientists from eight countries at Peterhouse, Cambridge University, in April, 1952. Professor Robson is to be congratulated on the skill with which he has summarized these Peterhouse discussions and developed the uneven manuscripts of numerous rapporteurs into an integrated and highly readable volume.

In somewhat less than 120 pages he has managed to deal significantly with the Scope, Content and Nature of Political Science, a Brief Conspectus of Political Science Teaching in Eight Countries, the Aims of Political Science Teaching, the Relation of Political Science to Other Disciplines, and to Public Administration and International Relations, the Status of Political Science in the University, Methods of Teaching Political Science, the Training and Recruitment of Political Science Teachers, the Coordination of Teaching and Research, and the Problems and Needs of Political Science. The volume moreover carries an Appendix of 125 pages giving detailed information on most of these problems in each of the participating countries.

Although one may lament the defensive tone of Robson's discussion, it is comforting to find him in nearly every case on the side of the angels. Specifically, he enters a strong and spirited defense for the integrity and independence of Political Science in its Aristotelian dimensions, although he recognizes its interdependence with other disciplines. He vigorously exposes the claims of Public Administration and International Relations as scientific disciplines apart from the main body of Political Science. He argues again repeatedly for an integral relation between teaching and research, and emphasizes the importance of reading, writing, and participation in effective teaching. "One recalls," writes Professor Robson "the wise words of Francis Bacon (1561–1626): 'Reading maketh a full man; conference a ready man; and writing an exact man'." Political Science teachers everywhere might well take counsel of Bacon's wisdom, as I am sure they will find both knowledge and wisdom in this slender but significant volume.—PETER H. ODEGARD, *University of California (Berkeley).*

Research for Peace: Essays. By QUINCY WRIGHT, W. FRED COTTRELL AND CH. BOASSON. (Amsterdam: North Holland Publishing Co. 1954. Pp. xii, 296. $3.50.)

This book consists of the three prize-winning papers in a contest sponsored by the Institute for Social Research of Oslo for the best essays on *The Relevance of Research to the Problems of Peace*, together with a review of the contest contributions by Dr. Ingemund Gullvåg of the Institute. The three essays (and it may be inferred from the review that they are typical of the other papers submitted in this respect) reflect the great change that has taken place in approaches to research on "problems of peace" in recent years. During the interwar period research on this subject was largely based on the assumptions of the existence of sovereign national groups organized under

national governments, and the development of cooperative relations in response to the demands of their common national interests. Today, social scientists, as represented by the authors of these essays, see the need to examine more carefully these assumptions and to explore more fully the behavior of individuals and social groups and the ways of influencing this behavior. They find the newer social sciences of value for this purpose. Thus Professor Wright, insistent that the basic need is the development of a science of international relations, believes that "researches in the behaviorial sciences which are least dependent upon historically limited assumptions, especially social psychology, cultural anthropology, and sociology should be given priority" (p. 29).

But while social scientists, as represented by the authors of these essays and the participants in this contest, see the need for broadening the scope and methods of research on problems of peaceful adjustment to include topics ranging all the way from child-rearing and individual and group frustration, to procedures of peaceful settlement and international law, they do not find themselves in agreement on priorities or criteria, or on the theoretical or other foundations on which to base such priorities and criteria. As Dr. Gullvåg points out in his review of the papers entered in the competition, this state of affairs seems to indicate "that the theoretical assumptions and research preferences within this field are so diverse that universal agreement on a few main problems for research is not likely to be reached at present" (p. 293). Under such conditions, he concludes, efforts to direct research "from above" might have the unfortunate result "of violating individual scientific bents and interests so as to destroy creative ability" (pp. 293–94).

While the Institute for Social Research may not have succeeded through the contest that it has sponsored and this publication of the more significant results in producing evidence of much agreement on criteria for determining priorities in research on problems of peace, it has nevertheless performed a very useful service in stimulating thought on the scope and methods of the still-undeveloped science of international relations. Furthermore, by giving expression to the diversity of views which are held, it has emphasized the undeveloped nature of the "science" and the dangers that exist in trying to force it into any preconceived pattern at this time.—LELAND M. GOODRICH, *Columbia University.*

Mathematical Thinking in the Social Sciences. EDITED BY PAUL F. LAZARSFELD. (Glencoe, Ill.: The Free Press. 1954. Pp. 444. $10.00.)

This collection introduces several promising types of investigation unfamiliar to most political scientists. It is an exposition of a number of theoretical models having relevance for social science research with articles discussing the problems of model construction for the social sciences. Although the actual models are fairly complicated mathematical expressions, much of the exposition does not depend for comprehension on a knowledge of advanced mathematics.

Modern Political Thought: The Great Issues. BY WILLIAM EBENSTEIN. (New York: Rinehart & Company, Inc. 1954. Pp. xvii, 806. $7.00.)

An anthology of modern political thought designed to acquaint the reader with the great ideas that have animated the Western world from Machiavelli to the present day. Selections are grouped under five major divisions: philosophy, psychology, and politics; the foundations of democracy; antidemocratic thought; capitalism, socialism, and the welfare state; from nationalism to world order. The readings in each chapter are prefaced by a short introduction and there is a long annotated bibliography. This is a revision of the author's earlier work *Man and the State: Modern Political Ideas.*

Today's Isms: Communism, Fascism, Capitalism, Socialism. BY WILLIAM EBENSTEIN. New York: Prentice-Hall. 1954. Pp. x, 191. $3.95.)

"Totalitarianism and democracy," says the author, "are more than specific social, political or economic systems; they are two diametrically opposed ways of life, with contradicting beliefs and values, based on distinct and opposite conceptions of the nature of man." This book provides a brief but useful introduction to communism, fascism, capitalism, and socialism.

The Political Writings of John Adams: Representative Selections. EDITED BY GEORGE A. PEEK, JR. (New York: The Liberal Arts Press, 1954. Pp. xxxii, 223. $2.25.)

One of a series dealing with the American heritage, this volume makes John Adams' political thought available in an inexpensive but attractive format. It contains an excellent introduction by the editor together with a few notes and a biographical index.

Sovereign Reason and Other Studies in the Philosophy of Science. By Ernest Nagel. (Glencoe: The Free Press. 1954. Pp. 315. $5.00.)

A collection of sixteen essays on the philosophy of science by one who believes that "no antecedent limits can be set to the power of scientific reason to acquire theoretical mastery over natural and social processes." The philosophies of Charles Peirce, John Dewey, Alfred North Whitehead, Bertrand Russell, A. S. Eddington, and Hans Reichenbach are subjected to critical analysis.

Conflict and Mood: Factors Affecting Stability of Response. By Patricia Kendall. (Glencoe: The Free Press. 1954. Pp. 182. $3.50.)

A specialized inquiry into two of the possible factors which make for unstable responses in attitude questionnaires: the relative desirability of the alternatives offered for the respondent's choice, and the shifts in mood of the respondent himself.

Interviewing In Social Research. By Herbert H. Hyman with William J. Cobb, Jacob J. Feldman, Clyde W. Hart and Charles Herbert Stember. (Chicago: The University of Chicago Press. 1954. Pp. xvi, 415. $8.00.)

A systematic, sophisticated, and exhaustive examination of the problem of interviewer bias in the personal interview situation.

Turrialba: Social Systems and the Introduction of Change. Edited and Directed by Charles P. Loomis, Julio O. Morales, Roy A. Clifford, and Olen E. Leonard. (Glencoe, Ill.: The Free Press. 1953. Pp. viii, 288. $3.50.)

A cooperative study of the Costa Rican community of Turrialba by the Inter-American Institute of Agricultural Sciences in Turrialba and the Area Research Center of Michigan State College. Though most of the volume consists of reports by various individuals on economics, religion, education, politics, health, social systems, and other comparable data, the underlying emphasis is on "the strategy of change" in the hope that agricultural extension agencies and other programs of technical cooperation can be better planned, evaluated, and improved. A basic postulate is that to introduce change without creating chaos an individual or agency must be able to evaluate accurately the organizational and interpersonal systems toward which the programs are directed or which their actions may indirectly affect.

Foundations of Social Survival. By John Lindberg. (New York: Columbia University. 1953. Pp. viii, 260. $3.50.)

In this brief and literate venture into social speculation by the U.N. Economic Adviser to Jordan, it is argued that the survival of higher societies is better promoted by Christian love than by the rationalism of ancient philosophy. A commentary, sometimes original, but occasionally eccentric, upon some of the main ideas of social thought from Plato to Toynbee, it is very much concerned with the problem of overpopulation, the possible solution of which is held to be a major contribution of Christianity.

Power, Order, and the Economy: A Preface to the Social Sciences. By Marbury B. Ogle, Jr., Louis Schneider and Jay W. Wiley. (New York: Harper & Bros. 1954. Pp. xii, 852. $6.00.)

A text which should be analyzed by those giving orientation courses in social science. It is an outgrowth of the course at Purdue and seeks to integrate the discussion of political, economic, and social behavior under the concepts of power, order, and economy. It concludes with an analysis of problems in the areas of international order, big business, labor, and the relation of the individual to society.

Fundamentals of Government. By Henry J. Schmandt and Paul G. Steinbicker. (Milwaukee: The Bruce Publishing Company. 1954. Pp. xii, 507. $4.50.)

An introductory text "frankly based upon the principle that man is a moral being, with not only a natural but also a supernatural end." Major topics include the scope and methodology of political science; natural law: the philosophy and role of the state; the basic forms, structure, and branches of government; and a concluding chapter on international law and organization.

Struggle for Tomorrow: Modern Political Ideologies of the Jewish People. Edited by Basil J. Vlavianos and Feliks Gross. (New York: Arts, Incorporated. 1954. Pp. 303. $6.50.)

A dozen scholars and partisans examine selected Jewish ideologies, movements, and organizations, e.g., Zionism, Territorialism, Assimilationism.

A Democratic Manifesto: The Impact of Dynamic Christianity Upon Public Life and Government. By Samuel Enoch Stumpf. (Nashville; Vanderbilt University Press. 1954. Pp. x, 168. $2.75.)

A brief but incisive analysis of the philosophical and religious roots of democracy by a Professor of Philosophy at Vanderbilt University.

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FRANCIS G. WILSON
University of Illinois

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A REMINDER—

AVAILABILITY OF BOOKS THROUGH
SOCIAL SCIENCES LIBRARY SERVICE

As announced in a special mailing to APSA members in January, individual members of the Association may now secure any current American professional books *on a rental basis* from THE SOCIAL SCIENCES LIBRARY SERVICE, 810 18th Street, N.W., Washington 6, D. C. This, of course, includes any of the books reviewed or listed in this issue of the *Review.*

NEWS AND NOTES

PROFESSIONAL CONFERENCES

1955 ANNUAL MEETING OF THE ASSOCIATION

The 1955 Annual Meeting of The American Political Science Association will be held September 7–9, 1955, at the University of Colorado, Boulder, Colorado. The Chairman of the Program Committee is Professor Weldon Cooper of the University of Virginia; the Chairman of the Committee on Local Arrangements is Professor Dayton D. McKean of the University of Colorado.

The Third World Congress of the International Political Science Association will be held in Stockholm, August, 21–27, 1955. Topics on the program include: "The Government of Great Cities," "Role of Party Systems in Democracy," "Role of Public Opinion Polls in the Study of Political Parties," "Relations between Social Classes and Political Parties," "Political Implications of Development Programs," and "Small and Large States in International Organization." In addition, several sessions of the Congress will be devoted to discussion of the results of round-table conferences of IPSA on comparative public administration (Paris, June, 1953) and teaching and research in comparative government (Florence, April, 1954). Further information may be obtained from Jean Meynaud, Secretary General-Treasurer, 27, rue Saint-Guillaume, Paris 7e, France.

A round table of the International Institute of Administrative Sciences will be held in Oxford, England, July 10–16, 1955, with the Royal Institute of Public Administration as host. The Institute's round tables are basically meetings of the standing committees, devoted to scientific discussions as well as to Institute affairs. Topics already selected are "Common Elements in the Management of Business and Public Institutions" and "Increased Efficiency of State Economic Enterprises." Further information about the Oxford Round Table can be obtained from Mr. Herbert Emmerich, Chairman, U. S. Section, I.I.A.S., 1313 East 60th Street, Chicago 37.

The Twenty-Sixth Annual Meeting of the Southern Political Science Association was held in connection with the Sesqui-Centennial Celebration of the University of South Carolina at Columbia, November 4–6, 1954. Panel topics included: "Money in Politics," "Alternatives to Communism in Western Europe," "Report of the Commission on Graduate Education and Research in Government," "Recent American Foreign Policy with Respect to the Far East," "Planning and Administration," "What Is Political Theory?", "Problems Encountered in the Teaching of International Relations," and "Liberty, Security, and the Supreme Court." At a luncheon meeting, Gordon Keith Chalmers, President of Kenyon College, addressed the association on the subject, "The Education of Them Deemed Worthy to Be Governors." The subject of the presidential address, delivered by Walter Bennett, University of Alabama, was "Majority Rule and the American Political Tradition: A Restatement and Reappraisal." Officers elected for the following year are: president, Manning J. Dauer, University of Florida; vice-president, Avery Leiserson, Vanderbilt University; and recording secretary, Arthur B. Dugan, University of the South. Newly elected members of the executive council are: Frederic Cleaveland, University of North Carolina; Charles D. Hounshell, Emory University; and William D. Larson, University of Florida.

The first annual conference of the District of Columbia Political Science Association was held on December 4, 1954, in the Hall of Government of George Washington University. The program, arranged by Paul T. David, president, included addresses by the following: Arthur S. Fleming, Director of Defense Mobilization; George Gallup, Director, American Institute of Public Opinion; Eugene Meyer, chairman of the Board, *Washington Post;* Paul Nitze, formerly Director of the Policy Planning Staff, Department of State; and

Edwin G. Nourse, formerly chairman of the Council of Economic Advisers. The Association voted to hold another conference in 1955. Officers for 1955 are: president, Max Kampelman, legislative assistant to Senator Hubert H. Humphrey; first vice-president, W. H. Roberts, Catholic University; and second vice-president, H. Rolland Ludden, George Washington University.—O. B. CONAWAY, JR.

The 1955 annual meeting of the Pennsylvania Political Science and Public Administration Association will be held on April 22 and 23 at Harrisburg. Officers for the year 1954–1955 are: President, M. Nelson McGeary, Pennsylvania State University; vice-president, Willard R. Hancock, director, Bureau of Municipal Affairs; secretary-treasurer, Richard W. Taylor, Lehigh University. New members of the executive council are: Robert P. Wray, Department of Public Assistance; Milton Flower, Dickenson College; Raymond S. Short, Temple University; and Rosalind L. Branning, University of Pittsburgh.—RICHARD W. TAYLOR.

The third annual executive development program of the Cornell School of Business and Public Administration will be held next summer from July 6 through August 11. The six-weeks' intensive program in general management is one of the few such programs which systematically encourage the attendance of public as well as private administrators. Among the public administrators attending last year's program were the assistant general counsel of the Port of New York Authority, a division chief of the National Security Agency, the secretary of the Public Service Commission of New York, and the deputy comptroller of the Naval Bureau of Ordnance. The Cornell program is especially directed to the technically trained executive whose responsibilities are being extended into the area of general management.

A three-day meeting of the Emory Institute of Citizenship was held at Emory University, October 25–28, 1954. The various sessions, which were devoted to educational and world affairs, were attended by six hundred people from all sections of Georgia. Chester Bowles was the leading speaker.

A Workshop on College Training for Politics was held at Kenyon College, Gambier, Ohio, August 29–September 2, 1954. Twenty-two of the younger teachers of political science from Ohio and Pennsylvania colleges were members of the Workshop, which was sponsored by the Citizenship Clearing House of New York University. Among the consultants who were present for one or more days were Harold Leventhal, general counsel for the Democratic National Committee; two members of Congress, Wayne L. Hays and Jackson Betts; members of the Pennsylvania and Ohio Legislatures; representatives of state central committees of both parties; several journalists; and three political scientists, President John D. Millett of Miami University, Norton Long of Western Reserve University, and W. E. Binkley of Ohio Northern University. Wayne Merrick of Allegheny College and Howard White of Miami University were co-directors.

A Workshop on College Training for Politics was held at Miami University, October 22, 1954, for teachers and students in colleges and universities in the Southern Ohio Citizenship Clearing House, affiliated with the CCH of New York University. The first session was addressed by Norton Long of Western Reserve University and by Murray Seasongood, former mayor of Cincinnati. Other sessions were devoted to discussions led by panels composed of officials of Republican and Democratic central committees of counties in southwestern Ohio, and luncheon addresses by a member of the Cincinnati City Council and a Montgomery County candidate for the state legislature. The program was arranged by Dr. Ralph A. Straetz of Miami University. The director of the SOCCH is Howard White.

A Seminar on Community Development in Foreign Areas was held at Chapel Hill, North Carolina, December 27–29, 1954. Some fifty specialists from many agencies and universities were in attendance. Papers were presented by Afif L. Tannous, Foreign Agricultural Service, U.S. Department of Agriculture, Arthur Raper, Foreign Operations Administration, Ernest Weissmann, Housing and Town and Country Planning Section, United Nations, Henrik Infield, Group Farming Research Institute, Gordon MacGregor, Graduate Curriculum in Social and Technical Assistance, Haverford College, and Charles S. Ascher, Public Administration Clearing House. In addition to general sessions, the Seminar

worked in three discussion groups to maximize opportunity for interchange of ideas and experience related to the topics analyzed in the papers. A brief summary report is in preparation and may be obtained from Harvey F. Baty, Montana State College, Bozeman, Montana. Dr. Baty was director of the Seminar, while Gordon W. Blackwell of the University of North Carolina served as associate director. The Seminar was sponsored by the Research Center in Economic Development and Cultural Change, University of Chicago; the Illinois College Program in Community Development; and the Institute for Research in Social Science, University of North Carolina; in cooperation with the University of North Carolina Extension Division and Community Development Projects, Ltd.

Under sponsorship of the North Dakota Institute for Regional Studies, the Second North Dakota Conference on College Training for Participation in Politics was held October 16, 1954, on the campus of the North Dakota Agricultural College. Political scientists from most of the colleges of the state, politicians, legislators, and civil servants and administrators were in attendance. Norman Wengert, head of the North Dakota Agricultural College social science department, served as chairman of the meeting. Action was taken to make the meetings an annual event.

The thirteenth annual meeting of the Midwest Conference of Political Scientists will be held at Purdue University, May 5–7, 1955. Vice-president Edward H. Buehrig will preside in the absence of President Asher Christensen, who is in Wales on a Fulbright award. Program information may be obtained from the secretary, LeRoy Bennett, Drake University, Des Moines, or from the program chairman, James W. Miller, Michigan State College, East Lansing.

The Grinnell Institute of International Affairs will hold its eighth annual conference at Grinnell College, March 23–26, 1955. The theme of the conference is "Southeast Asia." Among the participants will be Kenneth P. Landon, Office of Philippine and Southeast Asian Affairs; Ambassador Mehat of India; Ambassador Pote Sarasin of Thailand; Ambassador Tran van Chuong of Viet Nam; and Mr. Raul T. Leuterio, Minister Plenipotentiary of the Philippines. The Institute is under the direction of Dr. Joseph Dunner, chairman of the political science department, Grinnell College.

The first formal meeting of the Kansas Teachers of Government is scheduled for El Dorado, Kansas, March 18, 1955. Mr. Edwin J. Welbourn is in charge of local arrangements.

For the eighth consecutive year, the Survey Research Center of the University of Michigan will hold its Annual Summer Institute in Survey Research Techniques. This special program is designed to illustrate the theory and application of survey research to such fields as business and human relations, psychology and sociology, political behavior, public affairs, public health, economics, and statistics. Again this year a special workshop will be offered in the practical application of survey research methods to these individual fields. The dates for the regular session are July 18 to August 12, with introductory courses offered from June 20 to July 15. Further information may be obtained from the Survey Research Center, University of Michigan, Ann Arbor.

For the fourth consecutive summer, the Pennsylvania State University will conduct an Institute on World Affairs and International Cooperation during the main summer session, July 5–August 12, 1955. It is designed especially for social scientists, teachers, and community leaders, as well as regular graduate and advanced undergraduate students from all fields who wish to deepen their understanding of world problems and what can be done about them. The Institute offers a broad, interdisciplinary program emphasizing the role in international affairs of such diverse fields as science, anthropology, history, economics, politics, religion, education, and agriculture.

The Institute program will include a six-weeks' course in International Understanding; a series of public lectures by visiting authorities on world affairs; a series of weekly round-table discussions led by faculty members from various departments of the University; and weekly showings of educational and documentary films on world problems. Elton Atwater, associate professor of political science, will be in charge of the Institute program under the general supervision of a University Committee on International Understanding with representatives from each of the nine colleges of the University.

OTHER ACTIVITIES

Political scientists have played an important role in the work of the Commission on Intergovernmental Relations and of the second Commission on Organization of the Executive Branch of the Government. These commissions are now engaged in the preparation of reports for submission to the Eighty-Fourth Congress.

Members of the American Political Science Association and other active members of the profession who have been or are currently working with the Commission on Intergovernmental Relations are as follows: members of the Commission, Meyer Kestnbaum (chairman), Hubert H. Humphrey, United States Senator from Minnesota, and William Anderson, University of Minnesota; executive director, Lyle Belsley, Public Administration Clearing House; director of research, George C. S. Benson, Claremont Men's College; deputy director of research, Hugh L. Elsbree, Legislative Reference Service, Library of Congress; assistant director of research, William B. Prendergast, United States Naval Academy; research associates, Julian Fahy and Leslie A Grant; and liaison officer, Thomas J. Graves. Consultants to the Commission include: John E. Bebout, National Municipal League; Thomas I. Cook, the Johns Hopkins University; W. Brooke Graves and Dorothy Schaffter, Legislative Reference Service, Library of Congress; Roscoe C. Martin and Frederick C. Mosher, Syracuse University; Harvey Mansfield, the Ohio State University; Arthur W. Macmahon, Columbia University; Carl H. Chatters, formerly of the American Municipal Association; and A. M. Hillhouse, Cornell University. George H. Gallup of Gallup and Robinson, Edward H. Litchfield of Cornell University, and John A. Perkins of the University of Delaware served as members of various advisory and study committees of the Commission.

Political scientists who prepared state chapters for the Governmental Affairs Institute's report on the "Impact of Federal Grants-in-Aid on the Political Structure and Functioning of State and Local Government" submitted to the Commission on Intergovernmental Relations are as follows:

Alabama—Coleman B. Ransone, Jr.; Arkansas—Franklin M. Bridge; Colorado—Laird J. Dunbar; Delaware—Paul Dolan; Florida—Vincent V. Thursby; Idaho—Boyd A. Martin; Illinois—Phillip Monypenny; Iowa—Donald Bruce Johnson; Kentucky—J. E. Reeves and Glennalou Ryan; Massachusetts—Victoria Schuck; Nebraska—A. C. Breckenridge; New Hampshire—Robert B. Dishman and David C. Knapp; New Jersey—Ernest G. Miller; New Mexico—Dorothy I. Cline and Charles B. Judah; Ohio—Dayton E. Heckman; Oregon—A. Freeman Holmer; Pennsylvania—John H. Ferguson and Charles F. Leedecker; Rhode Island—Felix Rackow; South Dakota—L. M. Carlson; Tennessee—Avery Leiserson and Daniel R. Grant; Texas—O. Douglas Weeks and Wilfred D. Webb; Utah—Milton R. Merrill; Vermont—Rolf N. B. Haugen; Virginia—Spencer D. Albright and Jess H. Walters; and West Virginia—Mavis A. Mann. Roger H. Wells, Bryn Mawr College, planned and directed the study with the assistance of a committee consisting of John J. Corson, Paul T. David, and A. Miller Hillhouse.

Personnel who participated in the state impact studies made for the Commission on Intergovernmental Relations are: Connecticut—Howard Ferguson, H. J. Reber, J. E. Anderson, A. A. Neuwirth, S. I. Pinel, C. E. Reeves, and W. K. Meyer; Michigan—John D. Corcoran, Wendell G. Schaeffer, H. G. Pope, G. M. Morris, Charles S. James, Edward Pottoff, David Bauer, and Wayne Anderson; Mississippi—John J. Corson, Bruce W. Rohrbacker, and Leonard Carulli; North Carolina—Robert S. Rankin; South Carolina—William H. Simpson, Glenn Abernathy, Robert Stoudemire, Allan P. Sindler, Shirley Ulmer, Robert S. Rankin, and Harold Alderfer; Washington—William H. Dennick, A. Sheridan Atkinson, John A. Beckett, and Ian S. Wishart; Kansas and Wyoming—Thomas J. Jacobs, James R. Pollock, J. L. Jacobs. M. D. Miller, and A. F. Westwood.

The Commission on Organization of the Executive Branch of the Government (second Hoover Commission) and its Task Forces likewise have employed a number of political scientists. Harold W. Metz, formerly of the Brookings Institution, is director of research for the Commission, and Jarold A. Kieffer, recently of the Office of Defense Mobilization, is assistant to Commissioner Arthur Fleming. Harold W. Dodds, president of Princeton University, is chairman of the Task Force on Personnel and Civil Service, and George A. Graham, also of Princeton, is staff director. Leonard D. White, professor of political science at the University of Chicago, is a member of this Task Force, and William Pincus, on leave from the Bureau of Land Manage-

ment, Department of the Interior, is serving on the staff.

Other political scientists serving as staff members of the various Task Forces of the second Hoover Commission include: Overseas Economic Operations—Charles H. Thomson, on leave from the Brookings Institution; Procurement—Jay B. Wescott, formerly of the Office of Military Government in Germany; and Medical Services—Lewis B. Sims, on leave from the Department of Health, Education, and Welfare. Russell Forbes, formerly deputy administrator of the General Services Administration, is consultant to the Commission's Task Forces on Surplus Property and on Business Organization of the Department of Defense. Charles D. Curran, on loan from the Legislative Reference Service, Library of Congress, is administrator of the Task Force on Water Resources and Power. Consultants to this Task Force include Fred A. Clarenbach of the University of Wisconsin and Albert L. Sturm of West Virginia University.

The School of Advanced International Studies of the Johns Hopkins University has developed an expanded area-language training program on South and Southeast Asia. During the current year this program consists of three main parts: the offerings during the regular academic year at the School in Washington; a special summer session and conference in Washington dealing with Nationalism and Progress in South and Southeast Asia; and the activities of the Rangoon-Hopkins Center for Southeast Asia Studies in Rangoon, Burma.

At the 1955 special summer session, Professors Linebarger and Johnstone of the School's faculty will offer courses, respectively, on Colonialism, Nationalism, and Communism in Southeast Asia and on Contemporary Problems of South Asia. Visiting faculty members will be Professor D. G. E. Hall of the School of Oriental and African Studies at the University of London, Professor Victor Purcell of Cambridge University, Professor Shannon McCune of Colgate University, and Charles Thomson of the Brookings Institution. Courses offered by these visiting lecturers will include Background of Colonialism by Professor Hall, Southeast Asian Economic Problems by Professor Purcell, Geographic Factors in the Development of South and Southeast Asia by Professor McCune, and Problems of Communist Expansion in Southeast Asia by Dr. Thomson.

As an integral part of the summer session the School will hold a four-day invitation conference from August 8–11 on "Nationalism and Progress in South and Southeast Asia." In addition to members of the School's summer faculty, those who at this writing have agreed to present papers at this conference include Rupert Emerson of Harvard University, James Barrington, Burmese Ambassador to the United States, Chester Bowles, former United States Ambassador to India, and Ferdinand Kuhn of the *New York Times*. Malcolm MacDonald, Her Majesty's Commissioner General for Southeast Asia, Htin Aung, Rector of the University of Rangoon, and R. Supomo, Indonesian Ambassador to London, also have indicated willingness to participate if their official duties will permit.

The Rangoon-Hopkins Center for Southeast Asian Studies has been established in Rangoon with the support of the University of Rangoon. The program of the Center is designed to foster an increasing cooperation among the universities of Southeast Asia in research efforts involving problems of common concern and to provide an advance study base for a few of the School's best qualified students who are specializing in the area. The Center got under way in June, 1954, with the arrival in Rangoon of William T. Phillips, professor of international economics at the School, who is serving as the first co-director of the Center with Dr. Htin Aung, Rector of the University of Rangoon, serving as director. Four advanced students from the School currently are undertaking research at the Center and, in addition to their substantive work, are studying the Burmese language. As a part of the first year's program, a "Burma Seminar Series" open to faculty and qualified students and including lectures on Burmese culture, geography, Buddhism, and political and economic history has been organized. The University of Rangoon has furnished office and living quarters for the American members of the Center, and the Johns Hopkins University has provided a working library suited to the needs of the center.

The Johns Hopkins University School of Advanced International Studies in Washington, D.C. opened an overseas branch of the School on March 1, 1955, in Bologna, Italy. The branch will be known as the Bologna Center of the School of Advanced International Studies of the Johns Hopkins University. The student body, limited to fifty, will be divided equally among Americans and Europeans. The new Center will provide opportunity for qualifying American graduate

students to do graduate study or field research on France, Germany, Austria, or Italy. Dr. C. Grove Haines, professor of diplomatic history at the School, will direct the Center in Bologna, and Professor John A. Loftus will teach international economics. The remainder of the teaching staff will be made up of eminent scholars from France, Italy, Germany, and Austria.

An International Workshop in Applied Management has been organized by the department of political science and public administration at the American University in cooperation with the Foreign Operations Administration. The Workshop sessions are designed to assist participants, men and women in responsible government positions in other countries, to achieve desired results through the application of managerial knowledge and experience. In the conduct of the Workshop, recognition will be given to the resistances frequently encountered by government officials in stimulating change, and the means for overcoming such obstacles will be discussed. Jack Koteen, of the Public Administration Division, Foreign Operations Administration, will serve as Workshop director and instructor.

As a memorial to the late Louis Kuhn Benjamin, former Foreign Service Officer, an annual seminar to be administered through the department of political science has been established at the University of Cincinnati. It is intended to stimulate interest among college students in the Foreign Service of the United States and train them for careers in the Foreign Service, in the Department of State, or other government agencies with responsibilities in the field of foreign affairs. The first seminar was held on March 11 and 12, 1955, with the cooperation of the Department of State and the Operations Research Office. Students and faculty members from other institutions were invited to participate.

Columbia University has invited Thomas Reed Powell to be lecturer on the James S. Carpentier Foundation during the spring session of 1954–55.

The Fletcher School of Law and Diplomacy has announced a new project entitled "Research Studies on Japan's Social Democratic Parties," made possible by a grant from the Ford Foundation. Work is being conducted by five American and Japanese social scientists during the period 1954–57. Dr. Allan B. Cole is serving as coordinator; other contributors are Dr. George Totten (at present lecturer on Chinese and Japanese political institutions at Columbia University), Cecil Uyehara, and research assistants Seiichi Izumi and Michio Royama. The main products of these studies will include a selected and annotated bilingual bibliography of the whole Japanese Socialist movement, a monograph on Japan's pre-war non-Communist proletarian parties, and a treatment of the post-war Social Democratic parties—their history, leadership, strategies, theories, policies, and support by various sectors of rural and urban society.

The department of government, Indiana University, has undertaken the production of several motion pictures in cooperation with the Indiana University Audio-Visual Center. First to be completed was a color film entitled "The Legislative Process," which deals with the Indiana General Assembly; it has already been widely shown throughout the state of Indiana. Currently in production is a film entitled "How to Vote." A guidance film for high school students, "The Study of Government," outlines the general nature and content of the undergraduate government major.

Indiana University has inaugurated a series of management training courses for federal, state, and local employees in the Indianapolis area. The program, established by the Institute of Training for Public Service of the department of government, is being conducted in cooperation with the University's Division of Adult Education. Approximately fifty persons are now participating.

The departments of government and economics at Indiana University are jointly offering a new seminar on Problems of Developing Economically Under-developed Countries. It is designed to cover country planning and programs of international and national agencies operating in Asia, Latin America, the Middle East, and Africa.

Under the sponsorship of the department of political science, Kent State University inaugurated at the beginning of the 1954–55 academic year a specialized program in public administration entitled "Government Service" and culminating in a Bachelor of Science degree from the College of Liberal Arts. The course is designed to furnish the basic training and equipment for students desiring professional careers as public administrators in national, state, or municipal government.

During the summer of 1954, a group from the department of government, University of Miami, composed of Professors D. R. Larson, Edward Sofen, and T. J. Wood, and assisted by Professor R. C. Beiler, undertook a study of the attitudes toward segregation as they existed in the greater Miami area on behalf of the Attorney General of the State of Florida, Richard W. Ervin. Mr. Ervin used the findings of this report and of similar reports in other parts of the State as the basis for the brief that he submitted to the United States Supreme Court.

Recent lecturers at Miami University, Oxford, Ohio, include Professor Carl B. Swisher, of the Johns Hopkins University, who lectured on "The Supreme Court: Need for Reevaluation," November 9; and former Attorney General Francis Biddle who spoke on "The Philosophy of Mr. Justice Holmes," on December 9, 1954.

The political science department of Michigan State College has received a three-year grant of $71,600 from the Maurice and Laura Falk Foundation for the establishment of a Falk Graduate Fellowship Program. The purpose of the program will be to enable selected students to pursue doctoral studies under conditions giving them special opportunities for field observation of politics and of state and local government, together with supervised practice teaching.

The City College of New York has established a program of graduate work leading to the degree of Master of Arts in New York Area Studies. This interdisciplinary program is supported by a research grant from the Rockefeller Foundation, and a teaching grant from the Lucius N. Littauer Foundation.

Research projects now being undertaken include study of the emergence of Greater New York, 1898–1900; the nature of reform movements in the metropolis; centralizing and decentralizing forces in the political and governmental institutions of the metropolitan area; the dynamics of manufacturing industries and retail trade in the New York area; the metropolis as a center of art, literature, and music; social class and stratification in the New York metropolitan area; unifying factors in metropolitan group relations; and philosophical aspects of metropolitan New York life.

A limited number of graduate assistantships are available for the academic year beginning September, 1955. Requests for additional information should be addressed to Professor Oscar I. Janowsky, director of Graduate Studies, Convent Avenue and 139th Street, New York 31.

The University of Pennsylvania has signed a three-year contract with the Foreign Operations Administration for the establishment of an Institute of Public and Business Administration at the University of Karachi. Norman D. Palmer, professor of political science at the University of Pennsylvania, is acting as coordinator for the University's Karachi Project. Professor Palmer went to Pakistan in April, 1954, as a consultant to the Foreign Operations Administration. Four staff members are already in Karachi: G. Wright Hoffman, professor of insurance and marketing, who is Chief of Party; T. Hillard Cox, lecturer in industrial management; Henry Goodnow, lecturer in political science; and John Lutz, instructor in finance. Several other staff members will be sent to Karachi during the next six months.

The University of Texas has inaugurated an undergraduate area program in Eastern European Studies. This program is administered by a committee on which the departments of economics, geography, government, history, and sociology are participating. Students are required to take a major in any one of these departments and, in addition, at least twenty hours of language (Russian or Czech and Russian) and thirty hours in area content courses, including a senior interdepartmental seminar with a senior thesis. Members of the department of government who are participating in the program are Professor H. Malcolm MacDonald and Associate Professor Eduard Taborsky.

A collection on microfilm of the records and briefs of twenty-three important trials involving the issue of Communism has been completed and is now being distributed to the Library of Congress and certain other libraries. Sponsored by the Fund for the Republic, the records selected for the microfilm project were made available through the cooperation either of the Attorney General and the United States Department of Justice or of counsel in the cases. The microfilm library, in the view of the committee, will help meet the present need for factual, accurate, and carefully compiled information on the Communist problem. The records and briefs of the twenty-three major trials included in the collection have

not previously been generally available in any one place. The eighty reels that make up the collection represent 170,000 pages of transcripts and exhibits at these trials. The microfilmed proceedings range from *People* v. *Lloyd*, which confirmed the conviction for sedition of eighteen members of the Communist Labor party who attended the party's founding convention in Chicago in 1919, through the recent *United States* v. *Rosenberg*. The Rosenberg record, a copy of what is perhaps the only complete record in existence, covers the proceedings subsequent to the sentencing of the Rosenbergs and has not previously been made generally available. The Hiss, Coplon, Dennis, and Sobell trials are among the important trials of recent years included in the collection. The libraries which will serve as depositories are the University of California Library at Berkeley, the University of Chicago Library, the Harvard University Library, the New York Public Library, the Cornell University Library, the Mirabeau B. Lamar Library of the University of Texas at Austin, the University of Washington Library at Seattle, and the Florida State University at Tallahassee, in addition to the Library of Congress. Copies of the collection will also be available at the offices of the Fund for the Republic, One East 54th Street, New York 22.

The library of the Carnegie Endowment for International Peace has been named the James Thomson Shotwell Library in honor of Dr. James T. Shotwell, historian, educator, author, and president emeritus of the organization.

Governor George Leader of Pennsylvania has appointed an Advisory Committee on Government Reorganization and a number of consultants to facilitate the orderly and constructive transition of the state administration. Personnel are drawn from four universities receiving state aid: the University of Pennsylvania, the Pennsylvania State University, the University of Pittsburgh, and Temple University. Representatives of the Associated Institutes of Government on the Advisory Committee are Stephen B. Sweeney, University of Pennsylvania; Harold F. Alderfer, Pennsylvania State University; and William B. Willis, University of Pittsburgh. Consultants who are members of political science departments or of institutes of local government include: University of Pennsylvania—Henry D. Harral, on leave as Commissioner of Streets of the City of Philadelphia, C. Arthur Kulp, member of the Institute Board and chairman of the Insurance Department, and H. Michael Albers, management consultant of the Institute; Pennsylvania State University—Professors Harold F. Alderfer, R. Wallace Brewster, John H. Ferguson, Charles F. LeeDecker, and M. Nelson McGeary; University of Pittsburgh—Professor Albert B. Martin; and Temple University—Professor Gayle Lawrence. Consultants have also been drawn from other branches of the universities. Each consultant will study one department with the purpose of advising the in-coming head and of assisting the new administration to accomplish necessary departmental reorganization.

Charles Aikin, of the University of California (Berkeley), spent the spring and summer of 1954 in Europe as a member of the Exchange Program of the German Republic. He participated also in the International Political Science Conference on Comparative Politics at the University of Florence, in a round table of the International Institute of Administrative Sciences at The Hague, and in the Fourth International Congress of comparative Law in Paris.

Paul V. Betters, executive vice-president of the United States Conference of Mayors, was decorated with the Swedish Royal Order of Vasa, Knighthood, First Class, for his services in the field of international municipal administration at a ceremony in the Swedish Embassy in Washington on January 4. Previously, Mr. Betters had been decorated by the Governments of the Netherlands, Norway, Italy, France, and Finland for his work in this field.

D. Mackenzie Brown, professor of political science at the University of California (Santa Barbara College), is one of two winners of the 1954 Watumull Prize for his recent book, *The White Umbrella: Indian Political Thought from Manu to Gandhi*, published by the University of California Press. The $500 award was announced at the annual meeting in December of the American Historical Association in New York.

Fund for the Republic sponsorship has been accorded to a research program to be pursued by Cornelius P. Cotter of Stanford and J. Malcolm Smith of the University of California (Riverside) in 1954–55. They will be aided by Warren Campbell, a Stanford Ph.D. candidate. The topic relates to executive war powers and devices for insuring their responsible administration.

Joseph Dunner, chairman of the political

science department at Grinnell College, was awarded the Order of Ouissam Alaouite Chérifien (Legion of Honor) by the Chérifien Government of French Morocco, on November 12, 1954, in recognition of his writings on the Near East. The decoration and documents were presented by the consul general of France in Chicago on December 7, 1954.

Henry W. Ehrmann, of the University of Colorado, has obtained a grant from the Four Universities Project (Chicago, California, Harvard, and Massachusetts Institute of Technology) on "The Role of Labor in Economic Development." This grant enables Professor Ehrmann to be free from teaching duties during the spring and summer session of 1955 to complete his manuscript on "The Structure and Politics of French Trade Associations." Professor Ehrmann continues to serve as a member of the National Selection Committee of the Fulbright Program.

Robert E. Elder, associate professor of political science at Colgate University, is in Washington, D.C. during the spring semester with ten honor students in political science as director of the Sixteenth Colgate-Washington Study Project.

Wesley Fishel, associate professor of political science at Michigan State College, spent several months in the fall and winter, 1954–55, in Saigon as special consultant to Premier Ngo Dinh Diem and to the American Ambassador.

Carroll Hawkins, associate professor of political science at Michigan State College, spent the fall in Western Europe engaged in a study of left-wing and middle-class political movements.

Ruth C. Lawson, associate professor of political science at Mount Holyoke College, gave a course in Paris last summer on the North Atlantic Community under the sponsorship of the newly formed American College Council for Summer Study Abroad. This organization, in which fourteen American universities and colleges collaborate, is designed to give American college students opportunities for combining serious academic study with residence abroad.

George A. Lipsky, visiting professor at Yale University, gave a special lecture on December 15, 1954, to a group of faculty members and graduate students at the University of Pennsylvania on the subject, "A Program for Liberals."

Hans J. Morgenthau, of the University of Chicago, lectured during the summer of 1954 at the Universities of Oxford, Paris, Geneva, and Frankfurt.

William B. Munro, who recently celebrated his eightieth birthday, received tributes from the Southern California Political Science Association and the American Political Science Association for his distinguished service in the profession. Professor Munro is the senior living past president of the American Political Science Association and was a member of the small group that established the Association more than half a century ago.

Henry Reining, Jr., dean of the School of Public Administration, University of Southern California, was in Iran during January to consult with the team from the School of Public Administration that is establishing an Institute for Administrative Affairs at the University of Teheran.

Harry W. Reynolds, Jr., of the political science department of the University of Pennsylvania, served as special consultant to the Philadelphia Housing Authority on tenant selection and rehabilitation during the summer of 1954.

Robert Scalapino, of the University of California (Berkeley), spent the summer in Indonesia as faculty adviser to CAL-INDO, student group dedicated to cultural understanding with Indonesia.

Professor and Mrs. Harold Sprout of Princeton are carrying on research in England where they are collecting material for a study of geographic factors in British foreign policy. This is a part of a three-year program supported jointly by Princeton University and the Rockefeller Foundation. The program as a whole is designed to include some appraisal of the use and possible misuse of geographic knowledge in the analysis and interpretation of foreign policy and other phenomena of international politics. Mr. and Mrs. Sprout will welcome correspondence with scholars who may be working in this or related fields. Their address until June is Nuffield College, Oxford University. They will return to Princeton in September.

The Order of Merit of the Federal Republic of Germany was awarded to Professor Harvey Walker of Ohio State University on December 17. Presentation of the honor was made by Dr. W. H. Van Almsick, German consul of Detroit, Michigan, at the University's autumn

quarter commencement exercises. The Order of Merit recognizes accomplishments furthering the reconstruction of Germany in political, economic, social, or scientific fields, and is bestowed upon persons who have contributed to the peaceful advancement of Germany through their activities. Professor Walker was cited for his service as a mentor and guide for Germans visiting the United States on study tours since 1951.

Edward W. Weidner, chairman of the political science department at Michigan State College, has been serving as chief of a Foreign Operations Administration mission, composed of Michigan State College Faculty members, which has made preliminary studies in South Vietnam, looking toward the possible establishment of a National Institute of Administration in that country.

Leonard D. White has been named Ernest Dewitt Burton Distinguished Service Professor of Public Administration at the University of Chicago. He has also received, from the Society for Personnel Administration in Washington, D.C., the Stockberger Award, an annual presentation for outstanding contributions to either public or private personnel administration.

APPOINTMENTS AND STAFF CHANGES

Robert E. Agger, of the University of North Carolina, is at Stanford University during the current year as a staff member of the Center for Advanced Studies in the Behavioral Sciences.

Tahir Aktan, of Ankara, Turkey, was awarded a United Nations public administration scholarship and is now studying at Indiana University. Mr. Aktan is a graduate of the Faculty of Law of Ankara University, and was a research assistant in the Public Administration Institute for Turkey and the Middle East during 1953 and 1954. On completion of his study in the United States, it is expected that he will return to a staff position in the Ankara Institute.

Benjamin Akzin, dean of Hebrew University, Jerusalem, Israel, is serving as visiting professor of comparative constitutional law during 1954–55 at New York University.

Harold F. Alderfer has been made head of the department of political science at the Pennsylvania State University for a three-year term. He succeeds R. Wallace Brewster, who has been department head for the past three years under the rotating system.

Paul H. Appleby, dean of the Maxwell Graduate School of Citizenship and Public affairs, Syracuse University, is on leave to serve as director of the Division of the Budget of New York State.

Hannah Arendt, formerly of Brooklyn College and New York University, has been appointed visiting professor of political science at the University of California (Berkeley) for the spring semester.

John A. Armstrong has been appointed assistant professor of political science at the University of Wisconsin.

William B. Ballis, professor of political science at the University of Washington, has returned to the university after an eighteen-months leave of absence. Professor Ballis was American Director of the Institute for the Study of the History and Institutions of the U.S.S.R., located in Munich, Germany. In July, 1954, Professor Ballis served as chairman of the Conference on the Nationality Question in the U.S.S.R., held in Tutzing, Germany, under the auspices of the Munich Institute, which brought together leading Soviet emigres and European specialists on the Soviet Union.

Arthur C. Banks, Jr. has been named assistant professor of political science and assistant dean at Morgan State College, Baltimore, Maryland.

Jorge Basadre, of the University of San Marcos in Peru, is a visiting professor in the Woodrow Wilson Department of Foreign Affairs, University of Virginia.

George M. Belknap, assistant professor of political science and associate director of the Governmental Research Bureau at Michigan State College, has accepted an appointment of nine months' duration as executive assistant to David Hayworth, newly elected U.S. Representative from the Sixth District of Michigan.

Arthur H. Benedict is on sabbatical leave from Hiram College during the second semester of the current academic year to travel and study in Great Britain.

Donald G. Bishop, professor of political

science at the Maxwell School, Syracuse University, is on sabbatical leave during the current spring semester.

Joseph E. Black, of the department of government, Miami University, is on leave during the current year to do research on various phases of international organization. The research is financed by a foundation grant.

Carey Brewer, of the Legislative Reference Service, Library of Congress, has been appointed lecturer in political science at the American University.

Bernard E. Brown, formerly instructor in political science at the College of the City of New York, has been appointed assistant professor of political science at Michigan State College.

Daniel Buchanan, Foreign Affairs Officer, Department of State, has been appointed lecturer in political science at the American University.

Philip W. Buck, of Stanford University, will be on sabbatical leave for the academic year 1955–56. He will carry on research in England with the aid of a grant from the Ford Foundation.

Eugene L. Burdick, University of California (Berkeley), is on leave for the year as a senior fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford University.

Ardath W. Burks has been promoted to associate professor of political science at Rutgers University. During 1952–53 he served as acting director of the University of Michigan Research Center at Okayama, Japan. He is currently chairman of the program committee of the Far Eastern Association.

David H. Butler, of Nuffield College, Oxford, was a visiting lecturer in political science at the University of California (Berkeley) during the 1954 summer session.

Sven Clausen, of the University of Copenhagen, was Whitney-Fulbright visiting lecturer in political science at the University of North Carolina during the fall semester.

Dorothy I. Cline, assistant professor of government, has obtained leave of absence from the University of New Mexico beginning February 1, 1955, in order to serve as State Director of Health, Physical Education and Recreation in the New Mexico State Department of Education in Santa Fe.

John J. Corson, manager of the Washington office of McKinsey and Company, management consultants, former director of the U.S. Employment Service and formerly deputy director of UNRRA, has accepted a second appointment as visiting professor of administration and director of executive development at the Cornell University School of Business and Public Administration.

Robert Cox, executive officer of the Federal Communications Commission, has been appointed lecturer in public administration at the American University.

James V. Elliott has been promoted to the rank of assistant professor of government at Tufts College.

Leon D. Epstein has been promoted to a full professorship in political science at the University of Wisconsin.

Phoebe H. Everett, formerly an instructor in the Maxwell School of Citizenship at Syracuse University and latterly with the United States Information Agency, will be the administrative assistant to the director of the Bologna center of the School of Advanced International Studies of the Johns Hopkins University.

LeRoy C. Ferguson has been appointed professor and head of the Governmental Research Bureau at Michigan State College.

William F. Fitzgerald, who received his doctorate at Georgetown University in 1954, has been appointed instructor in political science at Loyola University, Los Angeles.

Gisbert Flanz has taken a leave of absence from New York University to serve as technical adviser in the field of public administration and political science at Ankara University, Turkey.

G. James Fleming, former regional director of the President's Committee on Fair Employment Practices, has accepted an appointment as associate professor of political science at Morgan State College, Baltimore, Maryland.

Floyd Flom, of Long Beach College, California, is a visiting assistant professor of political science at the University of Minnesota during the winter and spring quarters of 1955.

Ludwig F. Freund resigned as chairman of the political science department at Roosevelt University, February 1, 1955. George

H. Watson has been appointed acting chairman for the period February 1, to August 1, 1955.

John Fried, formerly legal officer, Technical Assistance Administration, United Nations, is serving as a visiting lecturer in the department of government, Graduate School of Arts and Science, New York University.

W. Leon Godshall resumed his regular position in September as head of the department of international relations at Lehigh University after spending approximately a year as executive secretary of the Fulbright Program in Japan and, subsequently, teaching one semester at the University of the Philippines. Dr. Godshall has been elected president of the International Platform Association, and he is continuing to serve as president of Pi Gamma Mu, national social science honor society. During the coming summer he will teach at the University of Hawaii.

W. Brooke Graves, chief of the Governments Division, Legislative Reference Service, Library of Congress, was a visiting professor in the department of political science at the University of Minnesota during the winter quarter of 1955, teaching courses in public administration and legislative organization and procedure.

Morton Grodzins has resigned his position as Dean of the Social Sciences at the University of Chicago and has been appointed Advisor on Special Projects to the Chancellor of the University.

Andrew Gyorgy, of Boston University, was lecturer in political science at the Massachusetts Institute of Technology during the first semester, 1954–55. He is offering a course on Soviet Foreign Policy at the Fletcher School of Law and Diplomacy during the second semester.

Louis J. Halle, formerly of the Policy Planning Staff, Department of State, joined the Woodrow Wilson Department of Foreign Affairs at the University of Virginia in September as research professor.

Joseph P. Harris, of the University of California, offered a graduate seminar in politics at Stanford University during the winter quarter, 1955.

Robert Hayton, formerly of the University of California (Berkeley), has been appointed to the staff at Hunter College, New York City.

Robert B. Highsaw, formerly professor of political science and director of the Bureau of Public Administration at the University of Mississippi, has been appointed professor in the Bureau of Public Administration and department of political science at the University of Alabama. He will act as educational director of the Southern Regional Training Program in Public Administration.

Abraham Holtzman, who was one of the congressional internes in 1953–54, has been appointed assistant professor of political science at Michigan State College.

Thomas Hovet, Jr. is acting assistant professor of government at Miami University during the 1954–55 academic year.

Ralph K. Huitt has been advanced to associate professor of political science at the University of Wisconsin.

Norman Jacobson, University of California (Berkeley), is on sabbatical leave for 1954–55 to carry on research under a fellowship of the Fund for the Advancement of Education at the Institute for Advanced Study, Princeton University.

Hans Kelsen, professor emeritus, University of California (Berkeley), has returned to Berkeley and is continuing his research after a year spent at the Institute Universitaire des Hautes Etudes Internationales and a year at the Naval War College, Newport.

Adrienne Koch has been appointed visiting associate professor of political science at the University of California (Berkeley) during the current academic year.

Jack Koteen, a staff member of the Public Administration Division of the Foreign Operations Administration, has been appointed lecturer in public administration at the American University.

Lyle Kyle has resigned as assistant director of the Governmental Research Center, University of Kansas, to accept a post as executive director of the Woodbury County Taxpayers Commission, Sioux City, Iowa.

Louis E. Lambert, of the department of government at Indiana University, is on sabbatical leave from Feburary to September studying administration in three English cities.

James E. Larson, formerly director of research in the Institute of Public Administra-

tion at the University of the Philippines, has been appointed associate professor in the Bureau of Public Administration and department of political science at the University of Alabama.

John W. Lederle has returned to his duties as director of the Institute of Public Administration and professor of political science at the University of Michigan after having served as controller in the Michigan Department of Administration during 1954.

George Lenczowski has been appointed associate professor of political science at the University of California (Berkeley).

Werner Levi, of the University of Minnesota, has received grants that will enable him to spend most of the year 1955 in Australia, Malaya, Siam, and India to do research work on the international relations of Asia.

William S. Livingston, associate professor of government at the University of Texas, has accepted a part-time appointment as assistant dean of the graduate school.

Duane Lockard, assistant professor of government at Connecticut College, is on leave of absence as a Ford Foundation Faculty Fellow to study the politics of New England state legislatures. In the November election, Mr. Lockard was elected as a senator to the Connecticut General Assembly; he will continue his research project while serving in the Senate.

Leo Benjamin Lott, who received his Ph.D. at the University of Wisconsin, has been appointed instructor at the Ohio State University, where he will give the course in Latin American governments.

M. Nelson McGeary is on leave of absence from the Pennsylvania State University during the second semester to engage in research under a grant from the American Philosophical Society.

James W. Miller, professor of political science at Michigan State College, has been appointed Controller of the State of Michigan by Governor G. Mennen Williams. Professor Miller is expected to be on leave from his academic post for two years.

Earl Mittleman has been appointed part-time instructor in government at Washington Square College, New York University.

Malcolm C. Moos, of the Johns Hopkins University, has been appointed visiting professor of political science at the University of Michigan for the second semester, 1954–55.

Frederick C. Mosher, of Syracuse University, is spending the spring semester as professor of public administration at the University of California (Berkeley).

Rodney L. Mott, director of the division of social sciences and a member of the political science department at Colgate University, has returned to the campus after spending the summer and fall terms teaching courses on the American legal system and jurisprudence at Kyoto University in Japan as director of the Kyoto American Studies Seminar sponsored by the University of Illinois.

Lloyd D. Musolf is on leave from Vassar College during 1954–55 to study Canadian public enterprise in Ottawa. Last summer he taught at the University of Delaware.

Arthur Naftalin, of the University of Minnesota, has been granted a leave of absence for the remainder of the academic year in order to accept an interim appointment as State Commissioner of Administration.

Felix A. Nigro has returned to the University of Puerto Rico, where he is serving as coordinator in a training program for Brazilian students during the current academic year. During 1952–54, he was public administration consultant for the Foreign Operations Administration in various countries in South and Central America.

Edward R. O'Connor, who received his doctorate in 1954 from the University of Notre Dame and is currently serving in the Air Force in St. Louis, has been appointed lecturer in political science at Washington University.

Felix E. Oppenheim, on leave as chairman of the department of political science at the University of Delaware, is visiting associate professor in the political science department at Stanford University during the spring quarter.

Richard L. Park, of the University of California (Berkeley), has been appointed assistant to the chancellor in addition to his teaching duties.

Julius Paul, who held part-time instructorships at the Ohio State University and at Denison University during the fall, has been appointed visiting assistant professor at Kenyon College for the spring semester.

J. Roland Pennock has resumed his duties as professor and chairman of the department of political science at Swarthmore College after a stay in England on a Guggenheim grant.

O. C. Press, formerly of the University of Minnesota, joined the social science department of the North Dakota Agricultural College as instructor in political science in September, 1954. Dr. Press is also a member of the Community Research and Service Staff, a division of the North Dakota Institute for Regional Studies.

Ross J. Pritchard has been appointed assistant professor of government at Tufts College.

Rouhollah Ramazani was appointed lecturer in the Woodrow Wilson Department of Foreign Affairs at the University of Virginia in September to give courses on the Middle East in international affairs.

Alan C. Rankin, formerly of the political science department, Miami University, Oxford, Ohio, is the new director of student affairs and assistant professor of public administration at the Cornell University School of Business and Public Administration.

Harry H. Ransom, who was a Congressional Interne during 1953–54, has been appointed assistant professor of political science at Michigan State College.

Bennett M. Rich has resumed his duties as associate professor of political science and director of the Bureau of Government Research at Rutgers University. During 1953–54 he was on leave to serve as acting director of the Institute of Public Administration at the University of Michigan.

Neal Riemer has been promoted to associate professor of political science at the Pennsylvania State University.

Ruth Roettinger has been appointed instructor in political science at the University of North Carolina.

Glendon A. Schubert, assistant professor of political science at Michigan State College, is a visiting professor at the University of Minnesota during the spring term, 1955.

William L. Schurz, of the American Institute for Foreign Trade, Pheonix, was visiting professor of political science at the University of California (Berkeley) during the 1954 summer session.

Harry M. Scoble, formerly of Yale University, has accepted a full-time instructorship in political science at the University of North Carolina.

Lloyd M. Short, of the University of Minnesota, was on leave during the winter quarter of 1954–55 to serve as a consultant in the Institute of Public Administration at the University of the Philippines.

Ruth C. Silva has been promoted to associate professor of political science at the Pennsylvania State University.

Joel David Singer is serving as teaching assistant in government at Washington Square College, New York University.

David G. Smith, instructor of political science at Swarthmore College, will spend the academic year 1955–56 in England on research in post-Marxian socialism under a Rockefeller grant.

Rhoten A. Smith has been promoted to assistant professor of political science at the University of Kansas.

Nidamarulu Srinivasan, of Andhra University, Waltair, India, has been appointed visiting lecturer in the department of political science at the University of Michigan for the second semester, 1954–55.

O. Glenn Stahl has been named director of the Bureau of Programs and Standards, U. S. Civil Service Commission.

John Stoner, of the department of government at Indiana University, has received a grant from the Automotive Safety Foundation to complete a study of Minnesota county highway administration. He has been carrying on his investigation under the auspices of the Committee on Organization and Administration of the Highway Research Board.

John E. Swanson has been appointed director of the Bureau of Governmental Research and Service in the School of Public Administration at Florida State University, replacing Mr. James J. Flannery who has become associated with the Pennsylvania Economy League. Dr. Swanson holds his Doctor's degree from the University of Illinois and was chief training officer of the Institute of Public Affairs at the University of Texas be-

fore joining the staff of the School of Public Administration at Florida State University.

Garold W. Thumm has been promoted to assistant professor of political science at the University of Pennsylvania.

Julian Towster has been promoted to the rank of professor of political science at the University of California (Berkeley). He spent the fall semester on sabbatical leave in residence.

Frank N. Trager, formerly director, United States Special Technical and Economic Mission to Burma, is a visiting lecturer in the Graduate School of Arts and Science, New York University. Mr. Trager has been elected to the Council on Foreign Relations.

Arthur H. Vanderberg, Jr., who has just completed a world-wide tour, has returned to the University of Miami as a lecturer for the spring term.

John P. Vloyantes, who received his Ph.D. degree from the University of Utah in June, 1954, has been appointed instructor in political science at Pacific University in Oregon.

Earle Wallace, formerly of the University of North Carolina, has been appointed instructor in political science at The Citadel.

Frederick M. Watkins, of Yale University, has been appointed visiting professor of government at Columbia for the spring session, 1954–55.

Norman Wengert, chairman of the North Dakota Agricultural College social science department, has been made director of the Community Research and Service Staff, a research agency established by the North Dakota Institute for Regional Studies.

York Willbern has returned to his position at the University of Alabama after several months as Fulbright lecturer in public administration at Victoria University College in New Zealand.

Charles Wolf, Jr., formerly of Syracuse University, has been appointed assistant professor of political science and associate research economist in the Institute of East Asiatic Studies at the University of California (Berkeley).

Sheldon Wolin, formerly of Oberlin College, has been appointed assistant professor of political science at the University of California (Berkeley). He is on leave during 1955 to conduct research under a Rockefeller grant.

IN MEMORIAM

John Peter Senning, professor emeritus of political science at the University of Nebraska, died in Lincoln, December 4, 1954, at the age of seventy. Professor Senning received his bachelor's degree at Western Union (now Westmar) College, Iowa, in 1908. His graduate work was done at the University of Chicago, Yale University (where he held a fellowship), and at the University of Illinois where he received the doctorate in 1924. After teaching at Illinois College and at Wesleyan University (Connecticut), he joined the faculty of the University of Nebraska, where he remained until his retirement in 1952.

Professor Senning's principal professional interests were in the fields of public administration and the legislative process. A vigorous classroom teacher, he brought to his work a genial personality which earned him the affection of several generations of students. He kept constantly in touch with public affairs and maintained to the end of life a zeal for the improvement of governmental processes. His professional colleagues recognized him by election to the Executive Council of the American Political Science Association in 1927, while his fellow citizens in Nebraska frequently sought his counsel. He was a member of the preliminary survey commission for the state constitutional convention of 1919–20, of the Interstate Crime Commission from 1935 to 1941, and of the Regional War Labor Board from 1943 to 1945. One of his principal interests was the unicameral legislature of his state. Professor Senning was one of the small group that drafted the constitutional amendment providing for that reform; he was active in the campaign to secure its adoption by the voters, and advised the last bicameral legislature in drafting the necessary redistricting statute. In 1937 he published *The One-House Legislature*, the only full-length treatment of the subject. At the time of his death he was serving his second six-year term on the Lincoln Board of Education, was a member of the city's recreation board, and chairman of the city-county building committee.—LANE W. LANCASTER.

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